

Arthur:

This will serve to introduce Mr. Williams B. Martin, an attorney from New Orleans, associated with the Orleans Parish District Attorney's Office. Please make sure he identifies himself.

I have advised him you know nothing concerning any activities in Mexico during September and October 1962, and that our separations are based upon factual data, nothing else.

I have indicated how to contact you only in this event I should become deceased.

On the above, and only if you desire such a document to be filed, I would ask that you furnish the Martin a description of the following persons, as near as you can recall:

1. Martin del Corrales.
2. "Bob" (the occasional guy who conversed with me in Spanish at the party given by the Columbia Club in 1961 who worked at those conventions).
3. The Chinese guy we met at Sanders' retirement one evening, with whom I exchanged business cards.

1812 Floral Drive

Wilmington, Del. 19803

Dec. 23, 1966

Richard C. Nagell PKR83286

Leavenworth, Kansas

Dear Dick:

Thank you very much for the Christmas card. It was great to hear from you.

You can tell the people in charge that I'll stand by you in the ways that they approve.

Sincerely,

Arthur

Arthur Greenstein

A. Greenstein
1812 Floral Dr.
Wilmington, Del. 19803



PRAY
FOR
PEACE



NOT AN APPROVED
CORRESPONDENT

[Handwritten signature]

83286

Mr. Richard C. Nagell PNB

P.O. Box 1000

FPB 66048

Leavenworth, Kansas

C113

March 13, 1967

Dear Eleanor:

I shall not wait for an answer to my letter of March 10. The time element is too crucial in this matter. And I've decided it would be unwise for Mr. Harris, or anybody else I really don't know, to accompany the authorities if they agree to pick up the item concerned, on my terms. In fact, I cannot risk having my name linked openly to the main topic now or in the future. I can't even explain why, but if I could, I'm sure you would understand. So I am forced to request your assistance again if you will provide it. But not to accompany the authorities.

If you will, please phone the District Attorney whose name was mentioned during your visit. Ask him to contact Senator Richard B. Russell and get a copy of my letter to him dated January 3, 1967. Tell the D.A. I can back up most of what is stated in that letter, except opinion, with evidence. Tell him if he wants proof of what I allege about September 1963 there are certain conditions to which he must stipulate in writing: the original of which is to be forwarded to you by registered mail for safekeeping and one signed copy of which is to be given me by his representative.

If he agrees to these conditions it will then be necessary for his representative to visit me here or at Leavenworth so that I may furnish directions and write a letter of introduction which must be given to the person who has possession of the item concerned (a recording tape). I assume it will also be necessary that his representative obtain authorization for this to be done on a confidential basis. There exists no other means by which this transaction can be accomplished. It is imperative that his representative understand Spanish and be able to display proper identification.

Following are the conditions, which should be couched in appropriate legal terminology:

"That I shall not be charged as an accessory or held as a material witness or prosecuted for concealing and withholding evidence relative to his inquiry. That I shall in no manner be identified outside of official channels as having supplied information or material relative to his inquiry or as having been connected with such inquiry in any way. That I shall not be required to disclose how the recording tape came into my possession or queried on any alleged relationship with the individuals whose voices are recorded thereon. That the person who currently has possession of the recording tape not be identified outside of official channels, nor be questioned, subpoenaed, arrested or held in custody for any cause or suspicion stemming from this transaction. That only the recording tape germane to the inquiry be taken; all other recording tapes, films, photographs, documents (valid or fraudulent), tracts, equipment and other paraphernalia found in or about the premises designated not be confiscated or examined, except that all recording tapes in the Spanish language may be examined on the premises if there arises doubt as to which one is applicable. That upon demand a verbatim transcript of the conversation recorded on the applicable tape be turned over to me. That the person who currently has possession of the aforesaid objects and paraphernalia be allowed to dispose of them (the applicable tape excepted) pursuant to my written instructions without delay or interference. That no search warrant be requested or issued in this matter; entry to the premises designated and conduct of the inspection therein be effected under the supervision and control of the person to whom my letter of introduction is addressed. That no private, local, state or federal investigative or law-enforcement personnel or agency, other than the one to which this stipulation applies, be notified of the time, date or location of such inspection, or of any information related thereto, until one week has expired from the date such inspection is completed."

March 13, 1967 (page 2)

There it is. Also, please advise that whether or not I cooperate further in this matter or produce additional evidence will depend largely on how this transaction is handled.

Would you please acknowledge receipt of this letter as soon as possible and let me know if you will initiate the action requested. The decision is up to you and I won't feel hurt if for some reason you cannot. Thanks.

With love - Dick

Richard C. Nagell FMB A-16606-H

File

April 5, 1967

CONDITIONS

Following are the conditions required by Richard C. Nagall (and in his exact words) under which the described matter will be made available to District Attorney Jim Garrison:

"That I shall not be charged as an accessory or held as a material witness or prosecuted for concealing and withholding evidence relative to his inquiry. That I shall in no manner be identified outside of official channels as having supplied information or material relative to his inquiry or as having been connected with such inquiry in any way. That I shall not be required to disclose how the recording tape came into my possession or queried on any alleged relationship with the individuals whose voices are recorded thereon. That the person who currently has possession of the recording tape not be identified outside of official channels, nor be questioned, subpoenaed, arrested or held in custody for any cause or suspicion stemming from this transaction. That only the recording tape germane to the inquiry be taken; all other recording tapes, films, photographs, documents (valid or fraudulent), tracts, equipment and other paraphernalia found in or about the premises designated not be confiscated or examined, except that all recording tapes in the Spanish language may be examined on the premises if there arises doubt as to which one is applicable. That upon demand a verbatim transcript of the conversation recorded on the applicable tape be turned over to me. That the person who currently has possession of the aforesaid objects and paraphernalia be allowed to dispose of them (the applicable tape excepted) pursuant to my written instructions without delay or interference. That no search warrant be requested or issued in this matter; entry to the premises designated and conduct of the inspection therein be effected under the supervision and control of the person to whom my letter of introduction is addressed. That no private, local, state or federal investigative or law-enforcement personnel or agency, other than the one to which this stipulation applies, be notified of the time, date or location of such inspection, or of any information related thereto, until one week has expired from the date such inspection is completed."

AGREED TO: _____

Jim Garrison

WITNESSES:

Springfield, Missouri 65822

DRB 4-16886-H

Richard C. Regal

Sincerely,

I am glad to hear that you are not having any trouble with the
 arrangement we discussed, without delay, that is, providing they are
 upon my return to the Government + that it would be nice to complete the legal
 with the next few days, to avoid final disposition of my estate.
 It is my understanding, however, that I shall be not back to Government, possibly
 Attorney General's office.
 However, it, as a national thing you will find approval will likely not with the
 procedure in that order. Such recommendation will be provided to the Federal Bureau of
 U.S. Sentencing, reviewing, compliance, on the U.S. Sentencing at Jacksonville, Florida,
 recommended for transfer to either the U.S. Central Institute, Lansing, Connecticut, or
 quality I am advised by the Director of the Institute of the matter that I am being
 Dear Mr. Hartley,

April 13, 1967

P. O. Box No. 4000
SPRINGFIELD, MISSOURI
OFFICIAL BUSINESS

D. A.'s Office
2700 Tullane Ave.
N.O. La. 70119



PROCESSED AND LA. DAY U.S.
FREEDOM UNDER THE
MAY 1

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

To: *Mr. William G. Barth, Attorney at Law*

International Trust Bank

New Orleans, Louisiana

70113

70113
4-1-67

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA

April 25, 1967.

Mr. Richard Case Nagell
A-16606-H
Medical Center for Federal Prisoners
Springfield, Missouri

Dear Mr. Nagell:

After several pleasant and informative visits with you in Springfield, ending in the totally chaotic meeting yesterday morning, I feel that I know you well enough to realize that your head will be swimming with doubts and disillusionments. The purpose of this letter is only to close our relationship in such a manner that your mind will be at rest and your feelings quieted.

The covering of your case, professionally and competently, called for me to be friendly and cooperative with Mr. Nicholas, who returned this routine courtesy by extending to us the privacy of his personal office. My periferal discussion of your case with him was routine and completely in order and was confined to matters of record only. Your misinterpretation of this is entirely understandable but equally unfortunate and was in no way a breach of confidence. ^{ph}

Had I been in the least interested in violating your confidence or pressing forward without your advice and consent, you well realize that I could have done so after our earlier meetings, and could, in fact, still do so were I not prohibited by my own personal standards of behavior.

In summary, my representation of you has been totally dropped and our past conversations concerning this case will continue to be held in strict confidence and no effort will be made to pursua any of the matters which you may have mentioned to me.

Mr. Richard Case Nagell
April 25, 1967
Page -2-

In this regard, at the very least, you have a right to have your mind put at rest, and to be told that a strict personal integrity has so dictated.

Inasmuch as Mr. Nicholas is the only person at the Medical Center with the background to understand the cause of this letter, I am taking the liberty of mailing it to him personally, lest it confuse, or become sidetracked, in, the inspection process.

I now ask Mr. Nicholas to please deliver this letter to you or to advise me if such delivery is not able to be made.

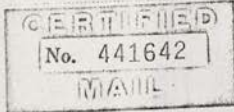

WILLIAM R. MARTIN

WRM/leb

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA

SPECIAL DELIVERY - AIR MAIL

REGISTERED MAIL
RETURN RECEIPT REQUESTED



Mr. Robert Nicholas
Chief of Classification & Parole
Medical Center for Federal Prisoners
Springfield, Missouri



UNITED STATES DEPARTMENT OF JUSTICE
BUREAU OF PRISONS
MEDICAL CENTER FOR FEDERAL PRISONERS
SPRINGFIELD, MISSOURI 65802

April 28, 1967

Mr. William R. Martin
Counselor at Law
International Trade Mart
New Orleans, Louisiana

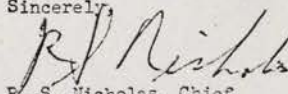
Re: NAGELL, Richard C.
Reg. No. A-16606-H

Dear Mr. Martin:

I regret that I must return your letter pertaining to Mr. Nagell in that he has refused to accept it. It appears that his reaction is completely out of proportion since he has also requested his caseworker to remove all persons on his official correspondence list except magazines and newspapers.

Your dedication to this man is remarkable.

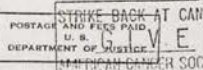
Sincerely,


R. S. Nicholas, Chief
Classification & Parole

RSN:vs

Encl.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
MEDICAL CENTER
SPRINGFIELD, MISSOURI
OFFICIAL BUSINESS



*Dist Attorney's office
2700 Tulane Ave.
70119*

Mr. William R. Martin
Counselor at Law
International Trade Mart
New Orleans, Louisiana

Form #330

SPECIAL PURPOSE MAIL REQUEST

MEDICAL CENTER FOR FEDERAL PRISONERS - - - - - Date: May 19, 1967

I request permission to mail special purpose letter to the following person, and to receive mail from that person in return:

Addressee's Name: Mr. William R. Martin, Attorney At Law

Street Address: International Trade Mart Building

City and State: New Orleans, Louisiana Zip Code: 70117

Purpose of Correspondence: Re: petition for writ.

JH SP
APPROVED: Joseph Z. Alderity, MD

Richard C. Napell - A-14604-A
Inmate's Signature and Register No.

This form is to be completed by the inmate desiring to mail a special purpose letter and included with the letter by the inmate when it is submitted for approval. It is to be used for all special mailing requests, including letters to addresses not on approved correspondence lists.

Dear Mr. Young,
I am in the process of preparing a petition for writ of habeas corpus,
together with a motion for writ of certiorari. When completed, they will be
filed in the U.S. District Court, Western District of Missouri, at Kansas City, Mo., & an
advance to Government Reporter, they will be filed in the U.S. District Court for
the Eastern District of Kansas.

I will send a copy of what I have to you personally or to District
Court Judge Bernard J. Rogint, with whom, I believe, you are acquainted.
Necessarily, my petition will be complex; it will require names of some
persons you may wish to subpoena.
The reason for my strengthened belief about your ability that my understandings,
which, as you probably know by now, are deeper than the standard C. Jones or my usual
in going to the state public security, company. In the report, I hope only that the
authorities should regard myself for my abilities.

June 12, 1967.
Richard C. Young
A-16682-H

P. O. Box No. 4000
SPRINGFIELD, MISSOURI
OFFICIAL BUSINESS



90 D.A.'s Office

2700 ~~South~~ ~~1st~~ St

To *Mr. William B. Martin, Attorney at Law*
International Trade Mart Building
New Orleans, Louisiana
70117

25

To: Bill Martin

The letter which you composed to special subject is almost certain to be effective, if he can ever be brought to look at it. How about sending it to his sister with a similar cover letter to her. She may be able to tell him about it. I would rather try this approach & sweat it out for a while in the hope that we still may get the totality of his information. J2.

May 24, 1967

Mr. William R. Martin, attorney
International Trade Mart Building
New Orleans, Louisiana 70113

Dear Mr. Martin:

This is to advise that in my opinion I am being denied the lawful right, as a prisoner awaiting outcome of appeal, from adequately preparing a Memorandum In Support of my petition for habeas corpus, and that I do not feel I can submit a proper petition without attaching a lengthy supporting memorandum to it.

Whether or not the administrative policy responsible for the situation is itself in violation of the law, is, of course, a matter for the courts to decide. I can only point out that such policy has the effect of abrogating the right of appointed and my right of privileged communication with the court. In the latter respect, however, you can understand there are certain aspects of my case which I prefer not to become general knowledge around this institution, at least not yet, but which must necessarily be raised to support my petition.

I would ask that you contact Mr. Nicholas, like you did before, and request authorization to visit me under the conditions arranged previously (I promise not to pose) Request that I be allowed to present my hand-written petition and supporting memorandum to you for your perusal and inspection, and that you be permitted to take them with you in order to have them typed up.

If Mr. Nicholas wishes to read them himself, that is alright with me as long as it is done in your presence. In fact, it might be a good idea to have them notorized.

I cannot emphasize enough how pertinent and vital this matter is to all concerned, because in these documents I shall have listed facts that can be substantiated by witnesses and official records, and, I shall be willing to testify under oath concerning

(2.)

anything cited or alleged therein.

If these arrangements cannot be made to your satisfaction, then I would suggest you ask the proper authorities to initiate court action on my behalf:

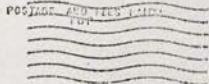
In either event, I shall appreciate an early advisement regarding your intentions, if any, to liberate my predicament.

Also, I might advise that I have terminated correspondence with my sister because I don't want her to be dragged into this mess inadvertently. I'm certain you will understand why I had to do so.

Richard C. Feyll

A-16606-H

P. O. Box No. 4000
SPRINGFIELD, MISSOURI
OFFICIAL BUSINESS



Dist. Clerk
2708 Tulane Ave
70119

TO: Mr. William J. Martin, Attorney at Law
~~Substantive Law Dept. Building~~
New Orleans, Louisiana
70113

May 31, 1967

Dear Mr. Martin:

I don't know whether or not you are in receipt of my letters dated May 19 and May 24. I would ask that you phone Mr. Nicholas here and make arrangements to visit me as soon as possible. It is imperative that I speak to you before my departure for Leavenworth. I am sure you will find a visit at this time of great concern to my case and to our mutual benefit.

Richard C. Huggell

A-16606-H

P. O. Box No. 4000
SPRINGFIELD, MISSOURI
OFFICIAL BUSINESS



2700 Tullane Ave.

G.D.R.'s Office

TO

Mr. William H. Winston
International Paper Corp.
1 Wood
1967

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA

Mr. Richard Case Nagell
A-16606-H
Federal Medical Center
Springfield, Missouri

1 June 1967

Dear Mr. Nagell:

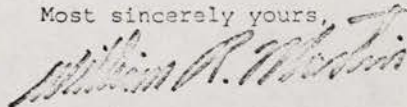
I have only just now returned to my office after several days absence and have read your two letters of the 19th. and the 24th. of May, respectively.

Shortly after lunch today I had a conversation with Mr. Nicholas of the Medical Center by telephone. I told him of your last letter in which you indicated that you would like to be allowed privileged communication with me for the purpose of discussing your appeal, the preparation of your petition and the accompanying supporting memorandum, and in general, to complete the business we had anticipated at our last meeting.

Mr. Nicholas was totally cooperative and saw no reason why this could not be done. After discussing the time element, I elected Tuesday, 6 June 1967, as the date most convenient for my travel to Springfield.

I expect to arrive in Springfield at approximately noon of that date and shall go immediately to see you.

Most sincerely yours,



WRM/lma

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA



AIR MAIL

Mr. Richard Case Nagell
A-16606-H
Federal Medical Center
Springfield, Missouri

AIR MAIL

FILE
Richard Nagell

Dear Fred,

June 7, 1967

This will serve to introduce Mr. William R. Martin, an attorney, who is acting in my behalf. Please have him identify himself. I have advised him that our acquaintance is devoid strictly out of friendship and that you know absolutely nothing about my past doings and activities during the years 1962-1963. I have written you at least twice after being sent to Leavenworth, but never received an answer. Is everything O.K.? I hope you will keep confidence in me until I am ready in the position to tell you my side of the story, relative to the offense for which I have now been twice convicted and sentenced to the maximum penalty of ten years.

In the event you did not receive my last letter, and providing you still have possession of, or know the location of, my personal belongings, I would ask that you check them and give to Mr. Martin one of the small recording tapes which is labeled "Houston - August 23, 1962" or "Houston - August 27, 1962," or with similar phrases typed on the label. They are in a box (cigar box, I believe) located in my phone on Kow. If any of the tapes are unlabeled, then let him play the first part of them (if it is in Spanish) to determine which one is applicable.

Therefore, I would ask that you immediately dispose of all tape recordings that were in my trunk in September 1962, and also destroy my passport, and all "incriminating material." (I have also advised Mr. Martin that you do not know the contents of any documentation, photographs, films, tracts, pamphlets or the nature of any belongings you have ever kept for me at my request). Please keep the other things for me, the non-incriminating things, until I get out of the mess. Thanks again.
(Please destroy this letter) Dick — Richard Nagell

WHEREFORE, petitioner moves and prays that this Honorable Court will consider all allegations contained herein as material and supporting to his Petition For Writ Of Habeas Corpus.

SO PETITIONER EVER WILL PRAY.

Richard C. Nagell

Signature of Petitioner

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}

RICHARD CASE NAGELL, being first duly sworn under oath, deposes that he has subscribed to the foregoing Memorandum In Support Of Petition For Writ Of Habeas Corpus and does state that the information therein is true and correct to the best of his knowledge and belief.

Richard C. Nagell

Signature of Affiant

SUBSCRIBED and SWORN to
before me this 6th day
of June, 1967.

(Month) (Year)
William R. Martin

Notary Public
WILLIAM R. MARTIN
Notary Public, Parish of Orleans, State of La.
My Commission is issued for life.

My commission expires _____
(Month) (Day) (Year)

I hope you will not mind my writing to Charles. I received
 such an answer to my letter of June 13. Yesterday I was informed by Dr. H. W. H.
 that the Government is publishing a report on the "Spuyten Duyck
 Battery, the public psychology at Government." It tells me that I had been
 sent to the National Archives for Federal Government History. I am
 sure you would be interested in it.

I am sure you are aware that the psychological reports submitted to me
 by the M.O.P. prior to my return to Government last fall, contained no
 feeling with regard to my own mental state. Further, Dr. W. P. G.
 advised me in his report with the most expert authority on me at the
 M.O.P. and the information provided me by Dr. Kramer and the other
 Neuropsychologists.

Having the sense of my answer by Dr. W. P. G. I was quick to
 reply & was in 24 hours on the side of my report and the reason I could not
 think it as simple & untruthful to me. Although I have the most expert
 for his ability generally, I must say that the questions asked in the
 face of my well-known behavior to answer them, the fact that I was
 aware of them from the Bureau of Prisons (with known 22, 1955) that I was
 under the report from Dr. W. P. G. the fact of my case.

The sense of the information I have previously furnished the

June 16, 1967

Mrs. William R. Martin
 Attorney at Law
 International Trade Mart
 West Columbia, Tennessee 37113

authority, and the contents of my letter dated January 3 to Senator Russell, not to mention what has transpired in my case since the tragedy at Dallas. I find it difficult to accept the promise that Mr. Hefly's questions were asked only from the standpoint of professional curiosity.

Now, sir, if the foregoing is merely the promise to continue questioning outside the presence of legal counsel about the circumstances leading to the incident at El Paso, or if my refusal to answer such questions in the future is going to result in the same type of treatment I was subjected to at the instance of Sir James D. Baker in 1964, then I feel that appropriate steps should be initiated immediately to safeguard my interests and protect my rights as a prisoner awaiting sentence of appeal from conviction.

My sister, Eleanor, has adequate funds at her disposal to finance any litigation you may deem necessary in this matter.

Thank you,

Richard C. Vogel

PHB A-88886-L

Leavenworth, Kansas 66042

cc: Hon. Richard B. Russell, U.S.S.

P. O. Box 1000
LEAVENWORTH, KANSAS 66048

OFFICIAL BUSINESS

POSTAGE AND FEES PAID
F. D. P.

Mr. William S. Martin
Attorney at Law

International Trade Mart

Rent Agency, etc. New Orleans, Louisiana
2700 Tulane Ave 70113

72119

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA



AIR MAIL

Mr. Richard Case Nagell
U.S. Penitentiary
Leavenworth, Kansas

AIR MAIL

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA

Mr. Richard Case Nagell
U. S. Penitentiary
Leavenworth, Kansas

20 June 1967

Dear Mr. Nagell:

After my most recent visit with you at the Springfield Medical Center, I traveled briefly to interview the witness you had indicated as being valuable to your appeal and to obtain from him evidence that he might have had.

Fortunately enough, I was able to locate the witness with absolutely no trouble and managed to spend several hours in amiable conversation. I was much impressed by this individual; by his dignity, bearing and loyalty. I am satisfied in my own mind that he would have helped in every possible manner in the legal battle that lies ahead.

Unfortunately, however, the physical evidence that I had hoped to obtain was not available. Apparently it was the subject of a burglary sometime in 1964 and was the only item of interest to the burglar, who did not disturb, as far as can be determined, any other items of value...so I am told. In any case, I was interested in nothing else.

Of course I will continue the preparation of our case with all diligence, but I wanted you to know that this particular effort had been in vain.


WILLIAM R. MARTIN

WRM/lm

P.S. In as much as I am not certain of your present address, I would appreciate acknowledgement of this letter.

June 30, 1967

Mr. William B. Martin
Counselor At Law
International Trade Mart
New Orleans, Louisiana 70113

Dear Mr. Martin:

I am in receipt of your letter dated June 20. Since the physical evidence referenced therein is no longer available, for whatever cause, I see no purpose in continuing with the preparation of my case.

Richard C. Nagels

A-83286-L

P. O. Box 1000
LEAVENWORTH, KANSAS
66048

OFFICIAL BUSINESS

POSTAGE WILL BE PAID BY ADDRESSEE
U. S. P.

Mr. William B. Martin
Consul at Law

2700 Tulane Ave. International Trade Mart
New Orleans, Louisiana
70113

10
S.P.

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA

Mr. Richard Case Nagell
A-83286-H
U.S. Penitentiary
Leavenworth, Kansas

7 July 1967

Dear Mr. Nagell:

Your letter of June 30th., 1967, arrived in the morning mail.

Unfortunately, I am forced to agree with your position, namely, that since physical evidence is not available, there is no purpose in continuing with the preparation of your case.

I really regret this very much since I had wanted to be of some material aid to you in the long run. I still hope that you will contact me again if I can be of service to you in the future and I invite you to call on me when you are free to visit New Orleans.

Most sincerely yours,



WRM/lb

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA

AIR MAIL

AIR MAIL

Mr. Richard Case Nagell
A-83286-H
U.S. Penitentiary
Leavenworth, Kansas

The American document, however, and, I feel sure of the procedure
 without any further delay. All have passed at the very beginning, the
 item appeared really promptly to my satisfaction. . . for I can assure
 you that it will not disappear in 1964, nor will it be subject of a
 buying by the opposition, notwithstanding what you may tell (probably in
 good confidence) by the future.

Now, there has been too persistent and recent developments in my
 case which call for prompt action on my part, and that is the chief
 reason I am writing at this time!

Firstly, I have received notification from the Clerk, U.S. Court of
 Appeals for the Fifth Circuit, that the appeal compiled by me - opposite
 counsel has been filed and should be heard during the fall session. I
 fully intend to stick such appeal for some time but have still generally,
 namely, Mr. Callahan's statement that certain that of my recent conviction
 is removed without my being permitted for a time, I shall probably be
 removed early to a mental institution, notwithstanding the fact of my mental
 status as the findings by the U.S. District Court for Federal Government.

Secondly, I have received a letter from an attorney who claims to
 have been retained by Allen D. Hamilton to advise me. As I am not yet in
 communication with Mr. Hamilton, I am unable to confirm this, but
 this again we never to doubt the reliability of the letter.

Hence, in view of these developments, I ask that you please forward
 my memorandum in support of petition for habeas corpus to Mr. Hamilton
 and Justice Powell and Kennedy to my sister by registered mail. I

shall, of course, be obliged to pay for the inconvenience and any
expenses incurred if you will send the bill to my sister. I believe
you are in possession of both her address and that of Mr. Greenstein.

In closing, let me say that I too regret the overall effort was
not productive. Perhaps the situation will change in the near future. If
it does, I shall certainly keep in mind what you have stated in the last
paragraph of your most recent letter.

Would you be so kind as to acknowledge receipt of this letter?

Thank you,

Richard C. Nagell

A-23226-L

P. O. Box 1000
LEAVENWORTH, KANSAS
66048

OFFICIAL BUSINESS

POSTAGE AND FEES PAID

F. B. P.

Mr. William R. Martin
Counselor at Law
International Trade Mart
New Orleans, Louisiana

W
10 S. P.

D. A. Office 70113
2700 Tulane Ave.

I am in receipt of a letter dated July 14 from my sister, Mrs. Eleanor M. Manning, which advises that she has not received the return report of my petition for habeas corpus or its supporting memorandum. In my opinion the committee on habeas corpus has given you the original of the letter document under your hand printed to mail the return report to her by registered mail . . . which you had promised at Springfield. So I am going to tell you, quite frankly, of the repeated promises all not received to my sister's committee, I shall also advise legal steps appear necessary to correct this situation. I am not the least partly that I am, and in this regard, I strongly urge that you send acknowledgment of this document to me not given to her. For your information, my sister can be reached at the Maple Lake Farm, Kingsport, Rhode Island, where she will be until July 29, after which she plans to travel to Canada.

A-83326-L

Richard C. Nagell

Dear Mr. Martin:

Mrs. William R. Martin
 Counselor at Law
 International Trade West
 New Orleans, Louisiana 70113

July 16, 1967

P. O. Box 1000
LEAVENWORTH, KANSAS
66040

OFFICIAL BUSINESS

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Mr. William R. Martin
Counsel at Law
International Trade Mart
New Orleans, Louisiana

W
S.P.

^S
D. A. Office 70113
2700 Tulane Ave.

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA

Mrs. Eleanore G. Gambert
The Maple Lake Farm
Kenyon, Rhode Island

25 July 1967

Dear Mrs. Gambert:

As per instructions received from your brother, I am enclosing certain material and documents prepared by him which were put into my hands during my last visit with him in Springfield, Missouri.

Enclosed you will find:

- One (1) copy of letter to Senator Russell.
- One (1) copy of letter to Senator Kennedy.
- One (1) copy of Memorandum in Support of Petition for Writ of Habeas Corpus.
- One (1) copy of Petition for Writ of Habeas Corpus.

Most sincerely yours,

William R. Martin

WRM/leb

W. M. GIBSON
Counselor at Law.
International Trade Mart
New Orleans, Louisiana

AIR MAIL
REGISTERED - RETURN RECEIPT
SPECIAL DELIVERY

TO: MRS. ELEANORE C. GAMBERT
THE MAPLE LAKE FARM
KENYON, RHODE ISLAND

AIR MAIL
REGISTERED - RETURN RECEIPT
SPECIAL DELIVERY

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA

Mr. Richard Case Nagell
U.S. Penitentiary
Leavenworth, Kansas

25 July 1967

Dear Mr. Nagell:

During the past several days I have postponed answering your letter of the 13th. of July. What with constant travel and catching up on desk work in the interim, I had not been able to give sufficient thought to an answer.

Your letter of July 16th., however, is another matter.

Your Petition for Writ of Habeas Corpus, along with the lengthy Supporting Memorandum, was turned over to our secretarial staff for typing after I had studied it in detail. My instructions were that it was not as urgent a matter as some of our deadline material, and that it could be typed as reasonable time permitted. Under the circumstances, I consider that a decent and friendly gesture on our part, requiring nothing more than good manners in return.

I have this date ordered your material sent forthwith to your sister by registered mail; return receipt requested. The unfinished typewritten work will be disposed of. The same is true of your request concerning Mr. Greenstein. I enclose my covering letter to both parties.

As to the presumptuous nonsense of the balance of your letter of the 16th., I will exercise restraint and refrain from comment.

William R. Martin

WRM/leb

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA

Mr. Richard Case Nagell
A-83286-L
U.S. Penitentiary
Leavenworth, Kansas.

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA

Mr. Arthur Greenstein
1812 Floral Drive
Wilmington, Delaware

25 July 1967

Dear Mr. Greenstein:

As per our telephone conversation of yesterday, and according to instruction I have received from Mr. Richard Case Nagell, I enclose the following document which has been prepared by Mr. Nagell and placed in my hands for safe keeping:

One original of the Memorandum In Support of
Petition for Writ of Habeas Corpus.

In an earlier correspondence, Mr. Nagell indicated to me that he would be in communication with you.

Most sincerely yours,

William R. Martin

WRM/leb

FROM: William K. Martin
Counselor At Law
International Trade Mart
New Orleans, Louisiana

REGISTERED
RETURN RECEIPT REQUESTED

TO: MR. ARTHUR GREENSTEIN
1812 FLORAL DRIVE
WILMINGTON, DELAWARE 19803

REGISTERED - RETURN RECEIPT REQUESTED

July 30, 1967

Mr. William G. Martin

Council AT Star

International Trade Mart

New Orleans, Louisiana 70113

Dear Mr. Martin:

I have received your letter dated July 25, in which you first advise
 to a lack of good manners on my part and then proceed to indicate the
 substance of one of my letters as "presumptuous manners".
 Regarding the former, permit me to remind you of your promise to
 mail the return copies of my letter and its supporting memorandum being
 written before you departed Springfield on June 7, and the fact that you failed
 to do so. As pertains to your promise - which are really gifts
 according - for the ensuing month - and a half delay in mailing these
 documents, let me also remind you of our accord that they would not be
 typed up since they were not to be put in mail. Now, by itself,
 neither your explanation sound rather empty, to say the least.
 Concerning the latter reference, that is, your poor behavior of my
 "presumptuous manners", if you are indeed referring to the letter
 of the 15th & wrote you on July 16, then I can not say I am aware of
 would not have judged the legal steps & contemplated to the other presumption
 or manner, had they been actual. However, if you are referring to the
 communication sent you recently, also dated July 16, then I would not
 know after an apology. For I have never been opposed to information

Richard C. Taylor 23286

Thanks for meeting,

as far as I am meant to be.

me (from what I hear) that 180 begins off course. . . . but then, that
that while you people may have not said in the right direction you are
you anything even if they were meant to do so, which they are not; and
always explicable, not that I really know the scheme of things, and could tell you
and you; that D.F. and his friends were nothing but practical character,

to believe that the future will show you people with me much more than
family, in connection with business and family connections, & in your
all respects.

can be found to stop my sort of a bargain, not that you have done so in
possibly rather a goodly number. I would have done that to show that I
wishes you might at the capital were believed to your bank generally,
and I would have eventually ended up and down to it that the physical
reference in that matter, especially in view of your own shortcomings, in
a given situation. I say "impossible", because that you display a more
difficult to a maintenance of both not a maintenance of suspicion in seeking
that any individual might jump to an extreme conclusion when he is
to which you allude in the closing paragraph of your letter, and approve it

still, it is impossible that you could not actually observe the relations
with the particular company.
with them, but also that you have never seen in an operational capacity
which not only remains in there are no other basis for the comparison

P. O. Box 1000
LEAVENWORTH, KANSAS
66048

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Mr. William R. Martin
Counselor at Law
International Trade Mart
New Orleans, Louisiana

R.S.P.

70113
2700 Tulane Ave
% D. A. Office

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA

Mr. Richard Case Nagell
83286
U.S. Penitentiary
Leavenworth, Kansas

7 August 1967

Dear Mr. Nagell:

Your letter of 30 July 1967 is at hand and I answer, not so much for professional reasons, as for personal ones, and because I am reluctant to terminate our "knotty association", as you correctly describe it, on terms other than amicable.

You are correct in that I might have analysed your temperament or conditioned reflexes, as it were, more precisely and impersonally and thus refrained from comment of any sort.

I had imagined that the handling of the affair in Los Angeles, correctly and in complete good faith with your wishes and instructions, would have removed some of the "maximum of suspicion" cloud from our relationship. I was aware, further, that your affairs, in so far as they had been placed in my hands, had been handled with the punctilio of integrity. This being the case, your strong letter of July 16, regarding the forwarding of your documents to your sister, seemed uncalled for and insulting and was offensively termed "presumptuous nonsense". I concede, in apology, that in your "minimum of data" position I might have reacted identically.

As to the mailing, or not, of the documents from Springfield, and as to their being typed here, whether for filing or not; the reasons are, as you pointed out, quite academic...except insofar as the former might have been related to security.

Returning now to your most recent letter of July 30, you refer to a communication sent to my associate, also dated July 16, to a conjecture cited therein, and to my never having acted operationally with that company. I have not been made aware of any such communication to an associate of mine, nor can I determine to whom you refer. At times cryptic language can become too cryptic and I confess my confusion as to that entire reference.

Richard Case Nagell
page 2

Finally, a point on which you should be informed. Effective 1 September 1967, I will return to my private practice and will no longer be associated with the law firm in which you knew me. Should you wish to resume correspondence with that firm, your letters may be addressed directly to them, or, as in the past, to me at the address shown on this letterhead and I will make immediate and personal delivery.

I wish you all possible good luck and success in your future and again invite you to call on me when you are free to visit New Orleans.


WILLIAM R. MARTIN

WRM/leb

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA

Mr. Richard Case Nagell
83286
U. S. Penitentiary
Leavenworth, Kansas

August 30, 1957

Mr. William R. Martin
Counselor At Law
International Trade Mart
New Orleans, Louisiana 70113

Dear Mr. Martin:

If you recall, in my letter dated July 13, I asked that you send the correspondence relating to Senators Russell and Kennedy to my sister. She received all but the original of Senator Russell's letter to me, dated January 22, and I note by the applicable enclosure to your letter of July 25 that it was not included in the list of documents mailed to her.

Hence, I would again request that you send this particular item to her, at your earliest convenience. Thank you.

In answer to your letter, aforementioned, which I feel warrants a clear reply, first, let me say that if you had informed me that security considerations were partially ~~possibly~~ responsible for the delay in mailing the carbon copies of the drafts of my petition and supporting memorandum, instead of the reasons you did cite, such explanation would have been quite acceptable to me.

As for the communication sent your associate (?), which was forwarded through privileged channels (ostensibly, at least), it is of some concern to me that you were not apprised, in any manner, of this. I did not intend for it to be — nor do I think it should have been — kept from your organization.

It is of greater concern, however, that you are unaware of the source I referred. The only cryptic part of my entire reference was the word "company" and I used the term as instructed with the assurance given

Richard C. Hoyle 83286

That you would understand it.
Here, I mention that the receipt of that communication, and several others
which were furnished to the same name through the same "private" channels,
explaining in further detail my relationship to the subject discussed at Springfield
and describing the identity and last known whereabouts of some of the persons involved.
I am already paid off. It is not for, apparently, happened through what can be
called my own stupidity.
Anyway, as a result of the foregoing, and for other reasons, several more packets
were sent you. I know that I am hardly moving any and all copies of
psychological communication that you may consider as having been legally in effect at
the time we had our discussion. Also, of course, my other communications and
other records from your standpoint and position. Now, I believe, you have it in
writing for additional papers, if any, the future might dictate.

P. O. Box 1000
LEAVENWORTH, KANSAS 66048

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Mr. William R. Martin

Counselor at Law

International Trade Mart

New Orleans, Louisiana

S.P.

70113
411 Louisiana ST
70118

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA

Dr. Richard H. Popkin
Department of Philosophy
University of California
La Jolla, California

11 September 1967

Dear Dick:

Your letter of the 1st. has just reached me. The offices at the Trade Mart are being redone and I will not be headquartered there for another week or more.

I have received a letter from Nagell, as I had hoped I would, in which he was conversational, calm, polite and, as usual, somewhat cryptic. I do not have access to a xerox at the moment, so will have his letter copied in extenso and enclosed herewith.

I do not agree with Jim that Nagell has written off our relationship...notwithstanding his "thanks for nothing" close to one of his letters to me. His recent letter is sufficient proof of that, and I fully expect that more will follow. For my part, I will answer his letters and visit him at my own expense if ever he wishes it or indicates a further effort to help Jim's case. I am absolutely certain that the man can tell us much and can prove most of what he says, but that he must be given his own head and thoroughly satisfied that his confidences and personal trust will not be mishandled...and that he will be benefitted from it all...directly and substantially...by having his case brought to light, and pardoned, paroled, vindicated, what have you. He deserves it.

I will be glad to copy you with all of Nagell's correspondence to me and mine to him, so that you might better analyse and prepare your own work with him. Your file is now up to date and I will gladly keep it that way. I would appreciate a word or two from you as to your own progress.

My brief note to the Berkeley Barb, with personal check enclosed, was never answered, the check never cashed, and a copy of the ad never sent me. Perhaps the whole outfit closed down for the summer?

Dr. Richard H. Popkin
page 2


In Los Angeles I visited

Frederick H. John
474 Crane Street
Telephone 225-7031

In my last letter to Nagell, and in his last two to me, you will find that he cryptically mentions a letter he sent to my "associate" and, later, he says he is troubled that I do not instantly know to whom he refers, and Nagell continues to develop that topic for another paragraph or two. I have the feeling that he refers to JOHN, and that he is considerably more worried than appears since he relieved me from our privileged communication status.

I am not sure why he did this or where he expects it to lead, but I will keep you posted on any developments.

Best personal regards,



WILLIAM R. MARTIN.

WRM/ml

encl

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MARK
NEW ORLEANS, LOUISIANA

AIR MAIL

Dr. Richard H. Popkin
Department of Philosophy
University of California, San Diego
La Jolla, California 92038

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA

Mr. Richard Case Nagell
83286
U.S. Penitentiary
Leavenworth, Kansas

11 September 1967

Dear Mr. Nagell:

Your letter of 30 August was in the office when I returned from the weekend. It had arrived, I am told, late Friday afternoon. This seems an unusually long time for mail to be in transit...at least more so than any of your other letters to me.

Senator Russell's letter to you, dated 20 January, will be in the evening mail to your sister by registered mail. I presume that Mrs. Gambert will have returned by now to her address in Elmhurst. I apologize for my oversight in not having included Russell's letter in my mailing of 25 July.

Continuing our remarks concerning your July 16 letter to my "associates": I understand, now, your remarks concerning the company, but I would not have without your explanation. For whatever it may be worth to you, you might doublecheck on your source of information. It was inaccurate and that threw my understanding off stride.

As to the balance; it may be unimportant...but it is still as cryptic as ever, I'm afraid. By deduction, should you have in mind Mrs. Fredricks in Colorado, then let me say that after my visit with her I wrote two letters. One, a polite thank-you note, the other a followup asking if they had received the first...in neither case did I receive a reply.

Your waiver of privileged communication with me is acknowledged and accepted and, insofar as I am concerned, was neither unnecessary or academic. Since you did not indicate anything specific, I will, as you said, await the dictates of the future.

Richard Case Nagell
page 2

Over the past several days I have been busy refurbishing my office and renewing contacts with old friends and clients. One of the latter is the Hedrick Land Title Corporation of Kansas City, Kansas, which corporation has asked that I pay them a visit at an early date to evaluate their Central American plans. The point is that I expect to be in Kansas City in the near future on business and will be glad to drive over to visit you at Leavenworth, if such would not be inconvenient to you.

Most sincerely yours,



WRM/ml

encl.

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA

Mr. Richard Case Nagell
83286
U.S. Penitentiary
Leavenworth, Kansas 66048

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DEPARTMENT OF PHILOSOPHY

LA JOLLA, CALIFORNIA 92037

September 15, 1967

Overline 411

Martin's no:
res. UN 6-0621

Mr. Jim Garrison
4600 Owens Blvd.
New Orleans, Louisiana

Dear Jim;

I have just heard from Bill Martin that he has had another letter from X. I think we should encourage Bill to stay in contact with him, since that is one of the very few channels that we have.

It doesn't look too likely that I shall be able to make the planned trip. Jones will be down to see you soon and will explain. We are investigating an alternative plan for proceeding.

I still haven't received the transcript of X's trial (nor Andrews') nor the reports of Bill's last visit to X, and of Bill's western trip. It will help a lot if I can get these soon.

I learned from Bill that his ad never ran in the Berkeley Barb, so I sent in money today to run it in the next issue. We'll see if anything turns up.

The Playboy interview is excellent, and from what I hear, is being well received.

You may be interested that as a result of my piece, James Phelan came to see me, and Gordon Novel called on the editor of the New York Review of Books. I'll tell you about it when I see you. I'll try to get down for part of the Shaw trial. Hope all is going well.

With best wishes to you and the family,

Dick
Richard H. Popkin

RHP:b

Note: Bill still has to be going there on his own expense

529-1601

Richard Popkin
WHA

9-21-67

9-21-67

Dush!
- Better to write letter
9/20/67
as

September 22, 1967

Mr. Richard Popkin
Department of Philosophy
University of California
San Diego, California

Dear Dick:

Thank you for your letter of September 15. When Bill Martin left here on September 1 he gave us all the material he had on X and this did not include the transcript of the trial. Nor do we have any reports of Bill's recent trip to visit X, nor his western trip.

The only material we have is what I already sent you about 3 weeks ago in a big manila envelope. Did you receive this:

I suggest the best thing would be for you to deal with Martin direct. I have tried time and again to reach him in the last 3 days, without success. His home "answering service" gave me a wrong number as his office phone, and his old trade mart office say they don't know what his new number is.

I recently read through the X file, and I must say I am at a loss to understand why you evidently think there might be something important to this. When one bears in mind that he was in custody before Oswald went to Mexico, that he is in the everything-to-gain and nothin-to-lose position of all other prisoners (almost daily we get mail from prisoners all over the country with offers to identify Bertrand, etc.), and that he alleges possession of a tape recording of people planning the assassination which, even if it were located, would be of almost no value in view of the ease with which such a tape could be forged, this all amounts, in my view, to a very tenuous lead.

Mr. Richard Popkin
September 22, 1967
Page -2-

The information he provides about a Carcano in San Antonio is of interest as I recently had this corroborated by David Lifton. However, maybe Lifton got it from you.

We would be interested to know more about Phelan's visit, as he seems to be visiting all the critics, for some reason.

Hoping all goes well with you.

Best wishes,

TOM BETHELL

TB/leb

REPORTING ON EQUIPMENT TECHNOLOGY

William W. Turner ---Subject's letter of Sept 17, 1967

....

The business I had with the three people referred in the Agendum aforesaid, was the principal reason for my trip to D.F. (Mexico City, editor). However, other than to mention that one of them was officially an employee of La Agencia (CIA, editor) (and as I found out later, unofficially an employee of XYZ). (there is nothing in correspondence to show name actually used for this ad hoc group editor), there is no need to go into this, since that business came to an abrupt end along about the time I changed residence. (The change of residence I believe was a move in the fall of 1962 from Hotel Luna to Hotel Texana editor). It is the ensuing assignment, after my return to Wally's bordello--I understand he had a key to every room--that is particularly germane. (Wally is Worth Walrod, Jr. of St. Louis. Was impersonating a heart specialist, but possibly only to make out better with the gals)

It seems that during the first week of October XYZ had gotten word or picked up a rumor to the effect that the subject so often adduced to in my memo (writ. editor) was being discussed in earnest by members of a certain group which had branch offices or affiliates, located in D.F. and the United States, besides other places. Its headquarters or main base might have been situated in D.F. also, though I'm not sure. This group, hereafter referred to as "Bravo".

^{CIA}
in lieu of its proper designation, was according to XYZ, receiving financial support from La Agencia.....for what effort or purpose I have absolutely no idea. I did know, however, that D.F.-Bravo was engaged in little more than such random ventures as tossing homemade bombs (one of which failed to explode) at or near the facilities occupied by its foe. And it was this fact, I suppose, that caused a certain amount of anxiety amongst XYZ's superiors, lest the "earnest discussions" give form to something more tangible than talk (a potential well-conceived in view of Bravo's

THE EQUIPMENT TRADES
P. O. BOX 1570
WILMINGTON, D.D.A. 19401

REPORTING ON EQUIPMENT TECHNOLOGY

William W. Turner

2.

demonstrated capacity for violence) during a period when another situation was becoming increasingly tense. Not that XYZ's superiors wanted Bravo's purported objective accomplished at any time, mind you; I'm only expounding the sensitivity of things, the priority of things as I saw them. Editor's note: My guess of meaning is that missile crisis was heating up and CIA did not want to have to cope with half-baked Cuban intrusions or assassinations of any sort at the same time.

Anyway, my new assignment related to this, to assist in ascertaining whether or not the rumor was true, and if it was, to further ascertain the identities of those involved, the motive, method, etc. etc. It was obvious that I wasn't the only guy saddled with this task, since I had barely started (initiating an inquiry) when I was called to the diplomatic hinterlands— an unprecedented move in my circumstances — and told the rumor was indeed true, and briefed and furnished a number of photographs and instructed to return to the U.S. This was the cause of my hasty departure from D.F., the cause that I was not able to tell you as we sat munching tacos in the Greasy Spoon on Oct 19. Editor's note: I do recall a trip subject made to embassy, reason given at that time was quite different. Oct 19 was evidently his last day before driving back to U.S.

I could, of course, fill in a lot of detail to give you a better picture of the situation, but think you will understand why I have neglected to do so. Anyway, it came to be determined, eventually, that the subject was scheduled -- that is, originally -- for the latter part of December at Miami. Apparently, it never proceeded beyond the talking stage, though I wouldn't know because prior thereto, and so

REPORTING ON EQUIPMENT TECHNOLOGY

William W. Turner

3.

the time, I was forced to seek refuge in the spot where you sent
my two of Wally's books, one of the titled "Dynamic Cardiovascular-
something-or-other (which he probably lifted from Ben Franklin's
library)". Editor's note : The books are only about a prank. The
place of refuge must then be his sister apartment in New York.

Fill in Russian

Return from Russia

The Ghoul (Oswald, editor) had not yet made the scene, and when
he did step on stage the following summer, the motives, method, etc.
in fact everything except the "team", in this instance also Bravo, had
changed considerably. The second affair was scheduled for the latter
part of September, probably the 26th, at D.C. and (Editor's note:
words here crossed out could be the-ghoul-he-he-af) it is a story
by itself, which I shall endeavor to explain later, together with the
mess that I was in at the time. Editor's note: Later letters do shed
some of the promised light. He was assigned to "get rid" of
or "to arrow" or "get out of country hubba, hubba" all I believe
on the same subject, but he somehow believed he should balk. Possibly
it is the same balking from writ page one, "I would rather be arrested
than commit murder and treason." The editor wonders how often
government assignments are given on pain of death or maiming. Cyanide
tablets appear in another context as a pet item of MI FOI section.
"the mess that I was in at the time" seems to be partially explained
as "burning his butt and sitting on ice cake". Also, I've read earlier
"we have a strong right arm... with navesator" "Don't tell
tales away from home." These support the editor's pain-of-death
theory. I get the impression that pay is not high in this field,
the chunky salaries being reserved for GS-18 men back in the com-
fortable offices.

Oct 8, 1967

WILLIAM W TURNER

Item: A Texas-based librarian reports on Oct 5

First trial, May 4, 1964, found guilty, trial appealed, retried.

Second trial, Sept 25, 1966, currently on appeal, with hearing to come up sometime next month

Item: Ex-wife and children of Ricardo not approved correspondents or visitors. "Keeping one in doubt about welfare and whereabouts of children cruel but effective device (supposedly stimulates spirit to cooperate)... holdover from Stone Age... used successfully at LUBRYANKA and other places...occasionally fails to produce desired results."

Item: FOI is Field Operations Intelligence, espionage branch of Military Intelligence. One Emmett E. Dugan, Crafton, Pa. found floating in Tokyo Bay 2/12/58. "Wet affair... covered as suicide. Somebody knows better. Same somebody endowed with Big Ears and highly retentive memory. Name HEFFINGTON pops up. Name AOYAMA pops up. Rosh Hashanah at sunset Wednesday. Yom Kippur October 14. Acronym ZED (really) and names JACK Y. CANON and KAJI WATARU all pop up simultaneously. Same somebody once promised: 'If you keep me caged too long, I'll take up singing lessons.' "

Item: CIC referred to as The Center and to initiates as The Bird
Ricardo graduated CIC enter after the B-25 crash at top of class. Was given diploma by Wilbur Brucker ten Sacy. of Army.

Item: Clay will be slurred as fruit. ^{Best} Are others with greater or equal role who conceivably could be turned up without unusual effort. Role not considered sufficient justification for 10-20 yr. sentence

Only for the eyes of William W. Turner

Perhaps the not-so-oblique reference contained in your letter of Aug 21 would provide the solution or at least disrupt any plans to salt me away permanently in some nuthouse. One thing, however, is certain: Any effort in that respect would be with my blessing, one-hundred percent, though they would of necessity have to be directed a la Inquisidora since the sum of things as I knew them were right generally speaking as were the guanos who were making the watch tick.

The reference of only for your eyes means to imply that I do not willy nilly wish to consolidate my efforts with those of Jim. I have a duty to Mr. Nagell that may not coincide with the plans of the other party.

Regards,

A.G.

By the "salting away" he refers to what he thinks will be the outcome of the appellate hearing this fall with his representation being court-appointed "Calamity Clem".

The upshot of this is really a lot of thinking and planning for you. I can assure you that Magell trusts your organization to do the right thing above almost any on the face of the earth, judging by his statements and orientation. He wants prompt action to bring matters to a head. I estimate that if the engines of justice are fueled greased and oiled they will begin to run smoothly in this instance. As I see it an American astronaut was forced to crash land in a Texas field. Though he was not physically hurt nor did he hurt anyone, we still should have seen all available fireman, doctors and hospitals placed at his disposal. As the news spread citizens ~~xxxxxxxxxxxx~~ newsmen and politicians should have engulfed him, all with a smile and eager to help. Instead, the incident was coraled by a breed of individual intent on covering there own professional incompetence. The landing was branded as trespassing. Parts of the spacecraft showing markings useful in a level defenge were carted away and no receipt rendered. After beating and a lengthy wait of many months a Kangaroo court was called. In the near time a crievous national accident had occurred simply because engineers were not advised of the true significance of the first crash, or ignored explanations they did receive.

THE EVENING TIMES
P. O. BOX 1270
WILMINGTON, DELA. 19700

REPORTING ON EQUIPMENT TECHNOLOGY

William K. Turner These items should be useful for cross-word puzzles

IBER THOUGHTS

Code name JACK comes to mind. So does name DESMOND FITZ.

Is DICK FECTRAU happy?

Is Pete Feinauer happy?

Is Tony Questa happy?

Is DICK, PETE and TONY are not happy, why don't they come home?

OUSA IBERF once popular drink at Monte Tecla, Chateau-Madrid, elsewhere, if ordered in the proper manner.

+ Dorrie's wife checked out at San Antonio IVS in April 1963.

+ Is June still living in San Juan? (OD10) (etux)

FBI team known as THE TACOS snooping about back alleys of Miami, January 23, 1963 (Check Miami activity this date)

Is GUY ANDREPOD running the show at Foggy Bottom nowadays?

Was message sent to HUGHY & SWIPES in 1963 intended to be intercepted by FBI?

THE EQUIPMENT TIMES
P. O. BOX 1670
WILMINGTON, DELA. 19899

*Nagell's Letters from Jail
decriber (in part) (Sept. 17) (1967?)*

When I was in Mexico, I was not a tourist. I was not there to learn Spanish; I speak it quite well. My big spending was part of my cover. I was supposed to be reimbursed by the CIA but never got a dime; nor was I reimbursed by CIA's front in Mexico City (known as XYZ). Held a sizeable stack of receipts and expense vouchers, expecting payment that never materialized [Did he have them in El Paso? Are they put away somewhere?].

My main business was with three people in Mexico City. One was both a member of CIA and XYZ. No need to go into detail, as this business came to an abrupt end (in 1962). It is the ensuing assignment, after my return to Mexico City, that is particularly germane.

During the first week of October 1962, XYZ had picked up word or a rumor to the effect that there was serious discussion of Kennedy's (?) assassination by a group (known as BRAVO) with a branch in Mexico City; in fact, BRAVO's headquarters may have been Mexico City, though I'm not sure. BRAVO is a code name, not the proper designation of the group.

According to XYZ, BRAVO was receiving financial aid from the CIA, for what effort or purpose I had absolutely no

idea. I did know at that time that ERAVO of Mexico City was engaged in terror tactics, i.e., bomb throwing at its foes. It was knowledge of these terror tactics by ERAVO that made the CIA anxious lest the earnest discussions (of assassination) give form to something more tangible than talk. Their anxiety was reinforced by the coincidence of the Missile Crisis in time. I wish to make clear that at no time did the CIA want ERAVO's purported objective accomplished.

My new assignment was to assist in ascertaining (1) whether or not the rumor regarding ERAVO was true, (2) if it was, to ascertain the identities of those involved, (3) the motive and method, etc. It was obvious that I wasn't the only guy saddled with this duty, since I was barely started when I was called to the U. S. Embassy in Mexico City - an unprecedented move in my circumstances - and told the rumor was indeed true, and briefed and furnished a number of photographs [where now?] and instructed to return to the United States. This was the cause of my hasty departure from Mexico City on October 19, 1962.

I could, of course, fill in a lot of detail to give you a better picture of the situation, but I think you will understand why I have neglected to do so.

Anyway, it came to be determined, eventually, that the assassination was scheduled - that is, originally - for the latter part of December (1962) in Miami. Apparently it never proceeded beyond the talking stage, though I wouldn't know because prior thereto, and at the time, I was forced to seek refuge in New York.

Oswald had not yet made the scene, and when he did step on stage, the following summer (of 1963), the motives, method, etc., in fact, everything except the "team", in this instance also BRAVO, had changed considerably.

The second affair was scheduled for the latter part of September, probably the 26th, at Washington, D. C. [...reference to Oswald scratched thru] it is a story by itself, which I shall endeavor to explain later, together with the mess that I was in at the time. .

(Sept. 30)

Description of several people at Hotel LUNA in Mexico City
1962.

(1) Marcel, a French Canadian [Probably only a
tourist].

(2) Benny, who got his nick name from taking benzedrine.
A fugitive from a Czarina mother and a Capet Milquetoast father
who sent him into exile. He introduced me to an Israeli girl
in Mexico City. His parents were well to do; owned an eating
establishment on the outskirts of Houston. [See Graham
Crowder, Red Lion Inn, 7315 Main, Houston, Texas].

Clay Shaw will probably be convicted, as he is guilty.
There are those who are - in a very real sense - much more
deserving of conviction than Shaw. Along this line, it might
be of interest to note the fact that Oswald was neither a homo-
sexual nor did he visit Ferry's training camp at the time Shaw
was purportedly there....at least not while I was Oswald's
manager.

Speaks of Harry Johnson [Chief of Dirty Tricks for
Latin America 1961-62]. William R. Martin, New Orleans
Lawyer, was one of his subordinates. Also mentions Maria del
Carmen, a Cuban national, age 25, employed by Mexican Government.

Refers to Room 2E239 at Pentagon.

Once checked out Dewey Decimal 920.63 at Miami Library.

Graduated CIC school at top of class after B-25 crash. Given graduation certificate by Wilbur Brucker, then Secretary of the Army.

Talk with Chief Dirty Tricks Section on Thursday, November 21, 1963, at McLean, i.e., "Dirty Dick" [Harry Johnson?]. "What's with this guy Oswald recruited for the Fair Play Caper? XYZ man claims he's being used 'for wet affair' by anti-Castros" - Answer: "Don't know, Chief, Oswald seems like good man for penetration 'of target'". Chief replies: "Well, just the same you'd better contact Tidbit and have him execute alternate...plan." "Right, Chief, I'll get on it...first thing Monday Morning." [Would be November 25, 1963].

Kennedy is visiting Dallas to plug for LBJ who is fast losing popularity in Texas. KRFJ is hated by CIA and Counter-Intelligence for he is planning to curb activities of spook outfits, especially CIA. Bang Bang - JFK dead - CIA, et al, expand powers.

Before visit to Dallas, JFK thinking of effecting rapproachment with Fidel and establishing better relation with USSR. Fidel not adverse.

Feelers put out by JFK and Fidel both in July 1963 through private channels; then, in September 1963, through official channels. Meanwhile anti-Castro BRAVO's get wind of feelers.....don't like smell. Remember Day of Pigs is Chant - Prepare "Xmas present" for JFK.

Patsy is needed. He is a pro-Castro type well known to BRAVO Club. Two BRAVO members [Who?] speak to Oswald, convince him they are friends, get him drunk on glory, tell him they are special emissaries from Fidel, personally sent to assassinate JFK...have chosen Oswald to help in assassination. Recognition at last!! Will be furnished Safe Conduct Pass to Cuba by Embassy at Mexico City.

Wait, Oswald must prove himself worthy before receiving great reward. Must set up Fair Pay Committee, pass out pro-Castro leaflets, must appear on TV, et al. Must not say a word about assassination plot to anyone, not even Marina.

Meanwhile "Snerd" [identity unknown] gets wind of assassination plot and goes on at Bravo Club. [Snerd is somehow related to USSR]. Snerd gets hold of a double-agent

at CIA's Dirty Tricks Division. Double-agent gets hold of Nagell and instructs him to join DELTA Club, affiliate of BRAVO and find out if things are real.

Nagell does so, in guise of rifleman. Discovers Oswald undergoing hypnotherapy by David Ferrie. Nagell reports to CIA that things are for real. CIA passes on to Snerd and Dirty Dick. Snerd passes on to USSR.

Nagell ordered to kill Oswald and leave U. S. pronto. Nagell chickens out with only 6 days before D-day. Nagell pens Abe, Snerd, and Dirty Dick nasty notes. Also writes to J. Edgar Hoover, tattling on BRAVO's plan, Oswald role, etc. Nagell winds up in Texas jail.

November 22, 1963 - Oswald in window - shoots - Wakes up from hypnotic trance and says "What am I doing here?" Memory returns. Flees. Refuses ride by former BRAVO associate [who?] driving by in Bell telephone Co. truck. Catches bus.

Oswald dead - Ferry dead - One former BRAVO member now living vicinity of Miami - Dirty Dick promoted at CIA. J. Edgar Hoover relaxed with his secret. CIA most powerful.

(Oct. 13, 1967)

Monte Tecla

Chateau - Madrid

Desmonde Fitz
Dick Beetsau
Robert C. Nolan
Pete Feinauer

Alfa 33 and Bravo 33 equals Charlie 66

Tony Cuesta

Marina checked out at San Antonio Bureau of
Immigration and Naturalization in April 1963.

Is JURE still living in San Juan?

FBI team known as THE TACOS in Miami, Jan. 23, 1963 -
investigating shipment of arms.

Is JURI ANDROPOB running the show at the State De-
partment?

Manuel Artine - Was he counter intelligence?

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA

The Editor
The Berkeley Barb
2421 Oregon Street
Berkeley, California

Dear Sir:

I should like to place the following ad in The Berkeley Barb:

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JIM IMMEDIATELY

Would you be kind enough to advise me of your advertising rates as soon as possible?

Most sincerely yours,

William R. Martin

WRM/leb

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA

The Editor
The Berkeley Barb
2421 Oregon Street
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DEPARTMENT OF PHILOSOPHY

LA JOLLA, CALIFORNIA 92037

March 7, 1968

Mr. Jim Garrison
4600 Owens Blvd.
New Orleans, Louisiana

Dear Jim:

Lately I've been working on a theory that I think clarifies the Second Oswald problem. I wonder how it fits with what you now know about the case.

Nagell has constantly claimed that the assassination was planned for September 26th. All of Nagell's actions in mid-September 1963 seem to point to some drastic turning point. He sent a letter to J. Edgar Hoover on the 16th or 17th. The bank episode took place on the 20th, followed by his insistence on telling the FBI about the impending assassination. The second Oswald travel in Wisconsin at this time is also suggestive.

If one takes the 26th seriously, and then examines Oswald's movements from the 24th to the 27th, as well as Kennedy's and the world's there seems to be something startling involved, and an explanation of the 2nd Oswald activities seems clear.

(1) Ferrie was apparently in Cuba in early September. (See Sciambra memo. The more I think about it, the more important the memo seems to me in terms of indicting Ferrie's trip to Cuba, the intimate relation of Ferrie and Oswald, and Russo's involvement with Ferrie.)

(2) The meeting of Shaw, Ferrie, Oswald at Ferrie's took place probably on September 16th.

(3) Nagell sends letter to Hoover on 16th or 17th. (Nagell given order to assassinate Oswald.)

(4) Oswald gets Mexican visa on the 17th.

(5) Oswald last seen in New Orleans on the night of the 24th.

(6) Oswald leaves New Orleans morning of 25th.

(7) Oswald at Selective Service office in Austin afternoon of 25th. He is seen in restaurant later that afternoon in Austin.

(8) Oswald at Mrs. Odio's around 7-8 p.m. on the 25th in Dallas.

(9) Oswald calls Mrs. Twiford at 9:50 p.m. Houston on the 25th.

Garrison
March 7 1968
Page Two

(10) The Warren Commission was unable to find anyone who saw Oswald between New Orleans and Houston. No one on the only possible bus saw him. He did nothing to draw attention to himself.

(11) The Twiford episode is ridiculous on the Warren Commission account. If Oswald was going to Cuba, why should he contact Twiford to discuss the Socialist Labor Party.

(12) Oswald twice tells Mrs. Twiford that he is about to fly to Mexico. He tells her he wants to come over for a couple of hours, and tells her he wants to know how they have his address.

(13) Twiford was probably the only person outside of the conspiracy in Houston who knew that Oswald existed.

(14) Oswald was noticed in the Houston bus terminal around 2 a.m. Sept. 26th.

(15) Oswald draws McFarland's attention on the bus on the morning of Sept. 26th. He tells McFarland he is going to Mexico and Cuba.

(16) In the ^{evening} ~~afternoon~~ on the 26th, Oswald talks to the girls on the bus. He shows them his old passport, stresses that he has been in Russia, and that they should stay at the Hotel Cuba.

(17) Oswald goes to Cuban and Russian embassies in Mexico City on the 27th, and is carrying evidence of his pro-Castro activities.

(18) He goes again on the 28th.

(19) Oswald drops out of sight until Oct. 2, when he leaves for Dallas.

(20) Osborne (from a nutty church) sits next to Oswald on the 26th. Osborne returns on Oct. 1, goes to New Orleans, then flies to England where he had not been for years, and gives a false story to account for why he is there.

On the basis of all of this, I offer the following hypothesis: the assassination was planned for the 26th, and the evidence will point to Oswald. On Sept. 25th, Oswald was flown from New Orleans to Austin, and went to an official office to make his presence known. He stays long enough so that he will be remembered the next day. Then he is flown to Dallas. The Odio affair is intended for him to impress himself on Mrs. Odio. Leopoldo's call the next day was to make sure she noticed him. The fake character of the "Cubans" was probably to make Mrs. Odio think that they really were Castroites. After the Odio visit, Oswald was flown to Houston for the call to Twiford, probably from the Houston airport. The proposed visit to Twiford's was to establish that Oswald was really there. Oswald may, at the time, have thought he was going to fly on to Mexico City. Oswald has alerted Mrs. Donnelly in Austin that he has a dishonorable discharge (the use of the name "Harvey Oswald" prevents her from looking up the case. He has alerted Mrs. Odio that he is an ex-Marine, involved with Latins, and ready to kill JFK. He has alerted Mrs. Twiford that he is in Houston ready to leave for Mexico.

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March 7, 1968
Page Three

It is then decided that Oswald should be clearly visible at the moment of the assassination - hence the bus ride to Mexico City. Also the bus ride is in keeping with his character, and compatible with a bus ride from New Orleans in case Oswald later has to deny his arrival in Austin and Dallas. (An error was made in calling Twiford too early. The problem of making the one Houston person who knew of his existence aware that he was there was probably too important. Oswald didn't dare call too late lest the Twifords be in bed.)

The assassination was planned during the day of the 27th, sometime after Leopoldo's call to Mrs. Odio. (I can't locate a passage which indicates when it occurred). Oswald made sure that McFarland and the girls knew who he was, and that Cuba was involved in his affairs. They would then provide Oswald with an alibi, and would lead the chase to Cuba. Oswald's job was to get as far as the Cuban and Russian embassies before the drama ended. Presumably after the assassination by second Oswald, it would have taken hours to make Oswald the suspect. When his name and picture appeared on television, Mrs. Donnelly, Mrs. Odio and Mrs. Twiford would have reported to the FBI, thus leading the chase into Texas and Mexico. On the 27th, when the bus got to Mexico City, McFarland and the girls would have reported. Oswald's trail would lead up to the Cuban Embassy, and then would disappear. Since nothing happened (i.e., JFK was not killed), Oswald repeated his visit to the Cuban embassy on the 28th. Then he was told to lie low and so vanished for four days. Then he was recalled to Dallas. If the plot had worked, Oswald would have been chased. If he had been found, he could not have been held for the crime. By then, second Oswald would have been gone for good, and would have changed his appearance. Thus, the original double Oswald plot had Oswald and second Oswald in totally different parts of the country, and was completely involved with a Cuban dénouement.

When one looks at what JFK was doing at the time, the whole matter becomes more suggestive. Kennedy was on his most extensive tour since the 1960 campaign. On the 25th he spoke in Milford, Pa., Duluth, Minn., and Ashland, Wisc (10,000 people at that speech). On the 26th, he was all over the place speaking in public at Jackson Hole, Wyoming; Billings, Montana; Great Falls, Mont., Grand Fork, No. Dakota; Hanford, Washington, and Salt Lake City, Utah. He was in public view more than he had been since the 1960 election campaign. (In a place like Jackson Hole anyone could walk around with a hunting rifle) providing plenty of target situations.

The big news of Sept. 26th was that Juan Bosch of the Dominican Republic was overthrown that day. Bosch was close to Kennedy. JFK regarded Bosch as his answer to Castro and the hope for Latin America. The ease of his overthrow smells of CIA. (Also remember our friend, Dr Mohrenschildt had gone to Haiti, apparently in a CIA capacity, in April 1963, and Haiti is adjoined to the Dominican Republic). Suppose the plan was to kill Kennedy, overthrow Bosch and force an invasion of Cuba in the search for Oswald. Then American policy in the Caribbean and Latin America would be radically changed all at once.

After the plan failed to go off, Oswald was sent to Dallas. Nagell no longer knew what was going on, hence when he was interviewed on November 19th, he made no mention of the assassination plot, since he probably thought it was over and done with. The plotters however regrouped in Dallas with Oswald, second Oswald, Hall, Seymour, Howard, etc. Up to the first week in November, the second Oswald appearances are all without mentioning his name. He apparently lived in Irving near the barber shop and Hutchison's grocery store, since he was seen around there. A new plot must have been hatched in early November. On Nov. 9th, a man in Miami knew the

□ Check Jack Ruby calls at this time.

2205-1
EX

Garrison
March 7 1968
Page Four

plot. In rapid fire succession "Oswald clues" were laid in the furniture store, Greener's gun shop, Hutcheson's grocery store (where I think Hutcheson was shown Oswald's CIA paycheck, \$200 less \$11 deductions for taxes and social security. Incidentally have you seen the message from Nagell that confirms that Oswald was a FBI informer with number 179?) Oswald's whereabouts are unknown for the night of Nov. 8, and then on the 9th he wrote the strange letter to the Russian Embassy and the Bogard affair occurred. This suggests a meeting was held Nov. 8 (In Plot and Politics it claims someone saw Oswald and Ruby together that night), and that a new detailed plot was hatched. This time Oswald is only connected with Russia in the prior episodes, so probably a different scenario was planned.

This hypothesis makes it possible to structure the events of late September and the November ones as parts of two different plots. The first group of second Oswald cases were really appearances of Lee Harvey Oswald which were to be remembered the next day, not two months later. Oswald's Mexico trip was immediately related to a plot, not a long run stage-setting for something else.

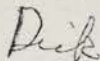
How does this strike you? Does it fit with what you know? One item that should be checkable is whether a private plane went from New Orleans to Austin to Dallas to Houston on September 25th to take Oswald to all of the incidents. (Of course, more than one plane might have been involved.)

From the data I've heard of lately it may be that "second Oswald" is a group of people rather than one individual. What do you think?

I think I'll publish something about the above hypothesis soon, unless you find all sorts of holes in it.

Hope all is going well. Best regards to your wife and children,

Yours,



Richard H. Popkin

P.S. Twiford flew from New Orleans to Houston on September 27th. His affidavit (11:179) gives no indication when he arrived in New Orleans. He just says that his boat, the S.S. Del Monte was docked there. Maybe he and Oswald met before Oswald left New Orleans and the call was a planned plant.

Tel: (714) 453-2797 --home
(714) 453-2000, ext. 1220 --office
I'll be gone from March 10-17.

A-23226-L

Richard C. Neff

the place to find it.

From, Kansas, State, when she will be with the next July 29, after which
 for your information, my wife can be reached at the Maple Lake
 address. My intention of this document is not given to her.
 pretty much to me, and in the night, I strongly urge that you do
 not appear necessary to correct this matter. I am not the first
 all not related to my wife's property, I shall take the same legal
 So I am going to tell you, quite frankly, of the open and honest
 to her by registered mail . . . which you had promised at Springfield.
 of the letter document unless you had promised to mail the entire copy
 that we have done very well & would not have given you the original
 in my opinion that neither is payment made of both in your
 copy of my letter for future copies in all supporting memorandum.
 Eleanor M. Steiner, which advise that she has not received the entire
 I am in receipt of a letter dated July 14 from my wife, Mrs.

Dear Mr. Neff:

Mr. William R. Neff
 Counselor at Law
 International Trade Law
 New Orleans, Louisiana 70113

July 16, 1967

P. O. Box 1000
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~~Mr. William R. Martin
Counselor at Law
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WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA

April 25, 1967

Mr. Richard Case Nagell
A-16606-H
Medical Center for Federal Prisoners
Springfield, Missouri

Dear Mr. Nagell:

After several pleasant and informative visits with you in Springfield, ending in the totally chaotic meeting yesterday morning, I feel that I know you well enough to realize that your head will be swimming with doubts and disillusionments. The purpose of this letter is only to close our relationship in such a manner that your mind will be at rest and your feelings quieted.

The covering of your case, professionally and competently, called for me to be friendly and cooperative with Mr. Nicholas, who returned this routine courtesy by extending to us the privacy of his personal office. My periferal discussion of your case with him was routine and completely in order and was confined to matters of record only. Your misinterpretation of this is entirely understandable but equally unfortunate and was in no way a breach of confidence.

Had I been in the least interested in violating your confidence or pressing forward without your advice and consent, you will realize that I could have done so after our earlier meetings, and could, in fact, still do so were I not prohibited by my own personal standards of behavior.

In summary, my representation of you has been totally dropped and our past conversations concerning this case will continue to be held in strict confidence and no effort will be made to pursue any of the matters which you may have mentioned to me.

Mr. Richard Case Nagell
April 25, 1967
Page -2-

In this regard, at the very least, you have a right to have your mind put at rest, and to be told that a strict personal integrity has so dictated.

Inasmuch as Mr. Nicholas is the only person at the Medical Center with the background to understand the cause of this letter, I am taking the liberty of mailing it to him personally, lest it confuse, or become sidetracked, in, the inspection process.

I now ask Mr. Nicholas to please deliver this letter to you or to advise me if such delivery is not able to be made.


WILLIAM R. MARTIN

WRM/leb

April 13, 1967

Dear Mr. Martin,

Thank you for the letter of the Director of the Bureau that I am being
nominated for the U.S. Central Bank, Banking, Currency, Finance,
U.S. Banking, Insurance, Commerce, on the U.S. Banking, Insurance, Finance,
primarily in that order. Such nomination will be favorable to the Federal Reserve
System, etc, as I mentioned during your visit, and I hope will help me with the
Attorney General's office.

It is my understanding, however, that I shall be not that the Government, possibly
with the next few years, to avoid final disposition of my estate.
Upon my return to the Government + that it will be able to complete the legal
arrangement in accordance with that ability; that is, providing they can be considered as being
I am quite sure I have done as well as I can. However, it will be long in coming,
and, if so, either she can be appointed as the trustee & payee. Being a very
important person within, possibly at least, I would suggest a maximum effort to make it
conform to the wishes, possibly, of course, but she get report of my company.

Sincerely,

Richard C. Koppell

PHB 4-10000-H

Springfield, Missouri 65522

P. O. Box No. 4000
SPRINGFIELD, MISSOURI
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To *Mr. William G. Whiston, Attorney at Law*

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M E M O R A N D U M

May 11, 1967 (Transcribed)

TO: JIM GARRISON, District Attorney

FROM: WILLIAM R. MARTIN, Assistant District Attorney

RE: RICHARD CASE NAGELL
A-16606-H
Medical Center For Federal Prisoners
Springfield, Missouri

On the afternoon of April 19, 1967 I had a telephone conversation with Dr. Ciccone, Director of the Medical Center For Federal Prisoners, during which it was agreed that I would be able to obtain on a subsequent visit to the Medical Center, privileged communication with the subject, Richard Case Nagell, which privileged communication had been previously denied me on a prior visit. Dr. Ciccone suggested that I confirm this arrangement and handle all details through Mr. Robert Nicholas, Chief of Classification and Parole, at the Medical Center. On Friday morning, April 20, 1967, I spoke to Mr. Nicholas by telephone and he agreed that since the subject had not been comfortable or at ease during our previous meeting in a public meeting-room, that he would be allowed to meet with me under private and privileged circumstances and Mr. Nicholas suggested that such could be arranged for Monday, April 24th.

On Sunday mbrning April 23, 1967, at 7:30 A.M. I departed New Orleans for Springfield, Missouri on board Delta Flight 836. The purpose of this trip was to conduct a second interview with the subject identified above who had offered himself and a tape recording to this office. The proposed circumstances of this interview were to be under privileged lawyer-client circumstances under which the subject was to be able to provide the necessary instructions for obtaining the tape recording.

I arrived at the Springfield Airport at 11:15 A.M. and checked in at the Candlelight Motel. At 12:30 P.M. I proceeded to the Medical Center for Federal Prisoners and met with the subject during the regular visiting hours from 1:00 to 3:00 P.M. When Mr. Nagell was shown into the visitor's room a few minutes after 1:00 o'clock he seemed extremely glad to see me and conducted himself in a very pleasant manner. He inquired about his recent letter to me (copy attached) and asked if I had received it. I explained to the subject that I had received his letter and had travelled to Springfield because I had been able to obtain assurance that we would be allowed a private interview together under privileged circumstances. The subject was somewhat dubious about this and stated that he seriously doubted

whether he would be granted such privileged communication and that even if he were, there was no assurance that the written instructions which he could give me would not be taken from my person prior to my leaving the premises. I explained to the subject that it was highly unlikely and outlined for him a few basic reasons why this could not be done. The subject seemed to accept my explanation and we began to discuss the content of the tape recording.

The subject was willing to discuss the contents of the tape recording but asked that I not push him for too many details since he was forced to discuss this matter in extremely guarded tones. He stated that he had perhaps been a little over optimistic when he first spoke to me concerning the tape recording when he had said that the tape recording would "wrap the case for us". He stated that the tape recording would merely serve to show "conclusive proof of a plot to kill President Kennedy". He stated that there were four voices on the tape, one of which was his own voice but that he was acting as interpreter only. He implied that the person for whom he was interpreting was silent throughout the meeting and that his voice is not heard on the tape for that reason. He further stated that there was reference to persons and places in the tape recording but that the names and places used were cover names and did not literally mean what they said. For example, he stated that the name Raul appears on the tape but that Raul is a cover name for a man whose true name he will not disclose. He also stated that there is a reference to San Juan, Puerto Rico on the tape but that this is a cover for the name of Mexico City. He stated that the persons who were being tape recorded were not aware that they were being put on tape and that they probably would have shot him if they had learned what he had done.

? He stated also that the tape recording was made on the 20th or 21st of August, 1963) but it should be specifically noted that later during the interview when I asked the subject again what dates the tape recording covered he stated that the tape recording covered roughly the 26th, 27th, 28th and 29th of September of 1963. When I asked the subject about this apparent contradiction he stated that the September dates had pertained to something else and that he had not been thinking clearly of my question when he answered me.

We then began to discuss the method of obtaining the tape from the subject's friend who had it in his possession. Mr. Nagell stated that he had perhaps given me already sufficient information to obtain the tape recording and that in his opinion, his friend would probably give me the tape recording even if I were to approach him without the letter written by the subject. He elaborated by saying that he had already given me the subject's name, telephone number and address and alias and had already told me so much about the tape recording that he was certain that if I were to explain all of this to his friend, that the friend would see quite obviously that he (the subject) had intended for me to have the tape recording.

I asked the subject why he had indicated to me on an earlier meeting that the requirements for obtaining the tape had

been so extremely strict and he answered by saying that he had not quite trusted me at the time, but had since changed his mind about me.

In discussing his friend who had possession of the tape recording, the subject described him as a white male, 35 years of age, fairly slim build, short brown hair, wears glasses, and a devout Kennedy supporter who was so extremely upset at the assassination of the President that he was not able to eat for two days. Further, that for the election of President Kennedy to office, the friend had walked the streets handing out political handbills and pushing doorbells for his election. The subject further stated that his friend hates policemen but is, in his own way, a champion of justice. He further stated that his friend very often puts on the appearance of being not too bright, but that he is in fact very sharp and has a keen intellect.

Continuing the interview in a very general conversation the subject stated that shortly before the assassination he had gone to Miami where he had learned that there were two agents of the Federal Bureau of Investigation assigned to that area and working with Cuban revolutionaries and that these two agents of the F.B.I. were commonly known as "THE TACOS". He stated that when he or any of the Cubans involved wanted to get in touch with the two agents, they would call a certain telephone number which apparently a cafe or a restaurant and would ask for the men by the nickname of "THE TACOS". He stated also that while he was in Miami he had come into possession of a 22 revolver equipped with a silencer and that he had assumed that this weapon was going to be used in the assassination at close range. He stated that he had disposed of this weapon but that he could retrieve it at any time, that he knew exactly where it was, and that it was well hidden.

San Antonio

Continuing the general discussion the subject asked if the District Attorney's Office was aware of a man in San Antonio who owned a 6.5mm Mannlicher-Carcano Rifle. The subject stated that this man had known Lee Harvey Oswald and had been seen with him on many occasions.

At this point it was announced that visiting hours were over and the subject and I parted with the words that he was looking forward to seeing me the next morning in a private meeting in the office of Mr. Nicholas.

The following morning, Monday, April 25, 1967, at 8:00 A.M., I returned to the Federal Medical Center for an appointment with Mr. Nicholas. Mr. Nicholas met me at the entrance to the Medical Center and escorted me personally down a series of corridors to his office. His manner was genial and quite friendly. Mr. Nicholas sent for the subject's file and began to go through it at his desk after seeing to it that I was seated comfortably in his office. Mr. Nicholas casually inquired about my relationship with the subject and was interested to learn what grounds I was going to use to appeal the subject's case to a higher court and what the nature of the defense would be. I avoided any direct answers or any form of conversation concerning the subject but maintained a friendly and polite

attitude to Mr. Nicholas inasmuch as he was the individual responsible for arranging the privileged meeting with the subject. In the process of going through the subject's file Mr. Nicholas came to a pink sheet of paper and read it over and asked me pointedly if the subject had ever threatened to kill the President of the United States. I evidenced some surprise at this question and answered "No, certainly not to my knowledge." Mr. Nicholas wondered out loud why the aforementioned pink sheet of paper was in the file since it was a form used by the Secret Service in their capacity to protect and safeguard the President of the United States and which they added to any and all files of any and all persons who threatened or posed a threat to the President. My conversation continued with Mr. Nicholas in a very general and friendly tone.

After a moment or two Mr. Nicholas looked up from his desk in the direction of the front door of his office and said "Just a moment Mr. Nagell we will be with you very shortly." At this time Mr. Nagell, who was not yet in my line of vision, stated "Never mind Mr. Nicholas, I think I've heard enough as it is." The subject continued by saying that he had overheard Mr. Nicholas and myself speaking and that he had changed his mind about confiding in me and that he did not want to associate with me in any manner and did not want to speak to me at all. Mr. Nicholas and I both attempted to calm the subject down. He was visibly shaken, pale, and moving his hands about in an extremely nervous manner. After a few moments I was able to convince Mr. Nagell that he should sit down with me in private at least long enough to tell me what was on his mind and what had upset him so much. Mr. Nagell and I were seated in a private room adjoining Mr. Nicholas' office and he proceeded to tell me that he had overheard me speaking to Mr. Nicholas in a "friendly" manner and that he had become extremely agitated, excited and lacking in confidence since I had been "friendly" with Mr. Nicholas. The subject emphasized the word friendly in an incredulous manner as though he could not understand how I could be friendly with Mr. Nicholas and as though he regarded Mr. Nicholas as an enemy. The subject kept repeating "I am not a fool Mr. Martin." "What do you take me for, a fool?" This private meeting with Mr. Nagell occupied some 3 to 5 minutes only after which time he arose abruptly from the table and "stalked" into Mr. Nicholas' office and demanded that he be returned to wherever he had been when he was called down to the meeting. Mr. Nicholas was as surprised as I was over the behavior of the subject and spent about 10 or 15 minutes with me after the subject had departed, and had discussed with me the subject's background which had made his conduct possible. Mr. Nicholas also called the physician who had been supervising the subject's care, and whom the subject had come to be rather fond of, and the three of us held a lengthy conversation concerning the subject and what could be done to calm him down and re-establish rapport with him.

Mr. Nicholas and the physician were, of course, operating under the assumption that I was visiting the subject as his legal counsel only and I am satisfied that they knew nothing of my function as Assistant District Attorney. The aforementioned physician, whose name I do not recall, asked me to wait in Mr. Nicholas' office while he (the physician) went to have a talk with the subject in an effort to have him re-establish

relations with me. After approximately 20 minutes the physician returned and stated that he was very sorry but the subject had sent word that he would not continue with his plans to have me represent him in any manner and for me to "just forget the whole thing".

There being no immediate alternative available, I departed the Medical Center at approximately 9:30 and, failing to get an earlier flight to return to New Orleans, I returned to the Candlelight Motel for the day and returned to New Orleans on a Delta flight departing Springfield at 5:30 P.M.

CONCLUSIONS AND OPINIONS

According to statements made to me by the subject I am in possession of enough information concerning the tape recording and the subject's friend who is holding the tape recording, that I should be able to obtain the tape recording without benefit of the letter the subject was going to write. This conclusion is based on what the subject himself told me when he admitted to me that he had over-emphasized the security of his possessions being held by his friend. (See page 10, paragraph 3 of my first report on this subject.)

I was told by the subject's physician that the subject had earlier suffered severe brain damage in an airplane accident and that he also suffered from acute paranoia. The physician stated that within a few days the subject might have an equally strong and opposite reaction to his one at our last meeting and might be anxious to see me again. Based on this information it is possible to conclude that the subject might suffer a change in his present attitude and might ask for me to return to Springfield to continue with the meeting we had originally planned.

Based on my personal knowledge of the subject and of the circumstances of his case which he has described to me which include a chronic fear of betrayal by almost everyone, I do not feel at this time that the subject will be willing to continue our relationship.

A letter will be written to the subject in an effort to calm his fears and to re-establish our relationship.

M E M O R A N D U M

May 12, 1967

TO: JIM GARRISON, District Attorney

FROM: WILLIAM R. MARTIN, Assistant District Attorney

RE: RICHARD CASE NAGELL
Medical Center for Federal Prisoners
Springfield, Missouri
A-16606-H

On the morning of April 25, 1967, I had a rather lengthy meeting with a clinical psychiatrist of this City and, with his very valuable assistance, composed a letter to Mr. Nagell which, according to the psychiatrist, would be most likely to produce the desired results.

At no time was the psychiatrist given the correct name of the subject or his address and, for his part, asked that his assistance and cooperation be kept in confidence since he did not particularly want to become involved or to have his name connected with this matter in any capacity.

The letter to Mr. Nagell (copy attached hereto) was returned to me from the Federal Medical Center with a letter signed by Mr. Nicholas stating that the subject had refused to accept my letter and that he had requested that all persons be removed from his official correspondence list.



Richard Case Howell
Fed Medical Center
Springfield Ill
DMG-A-16606-H



E. Carol McNeill
(Miss)

HOTEL EL ROMANO
Humboldt 55
Mexico, D. F.

[Faint, mostly illegible handwritten notes]

M E M O R A N D U M

May 12, 1967

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Mr. David E. Russell
and the
Commission

January 3, 1947

Dear Mr. Russell:

There is no connection to the enclosed typing which is, I believe, self-explanatory. In regard thereto I would suggest rather than attempt to learn more about Mr. Russell's stay in the U.S.S.R. and his "contact with a pro-ster committee," that one attempt be directed to get more positive news. Further, I suggest one such investigation could possibly be conducted by an agency that has no prior bias to avoid.

Mr. Russell and his activities came under my scrutiny May 1946 and 1947. My inquiries, coupled with data furnished me by reliable sources, as stated in the history:

Mr. Russell is in significant connection with the "League of Labor Committees." He had no significant contact or relationship with the pro-ster committee, though he was led to believe a link such maintained no significant association with any Marxist-oriented groups or movement. He was not affiliated with a secret group or movement, was not an agent or informant, in the normally accepted sense of the word, or an operative, police, or intelligence agency, master or agent. He was involved in a conspiracy to murder the owner of the radio in the latter part of September 1943. This conspiracy was never consummated, and was not instigated by any foreign government or organization.

W. S. ...

January 3, 1947

United States ...

Washington, ...

Dear ...

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"Witness:

"/s/ Edward Joseph Murphy, Special Agent FBI, El Paso, Texas,
11/19/63

"/s/ George E. Aiken, Jr Special Agent, F.B.I, El Paso, Texas
11/19/63"

3rd Memo

in re Springfield visit in which
intro letters were obtained for L. A.
(being typed) (not urgent)

March 23, 1957

Office of the District Attorney
City of New Orleans
Louisiana

Dear Sirs:

The following might be of interest to you. At the time the following events occurred (mostly alluded-to events, to be sure), I was too wary to pursue them; too frightened would be a better description.

In March of 1963 I was "befriended" by Richard Nagell, an ex-captain of Infantry (Korean war) and ex-CIA agent. The first claim was proven; the second was, of course, impossible to confirm. At the time, I was proprietor of a "left-wing bookstore" (Los Angeles' Police Department's "Red Squad's" description) and an executive officer of the Los Angeles Fair Play for Cuba Committee.

Nagell's behavior was cautious and quiet. After a series of conversational encounters he showed me what amounted to a scrapbook of his life. The news clippings were authentic; I checked them out. I cannot attest, naturally, to the photostatic copies of personal documents, Xeroxed copies of Army records, etc. In fine, ex-Captain Nagell was a mysterious figure; and in my semi-professional judgment certainly not a paranoid schizophrenic. He was checking me out, slowly, carefully, for a reason unknown to me even today.

I checked out some of his record. He was a highly-decorated war hero; he was critically injured in a plane crash somewhere in Cambodia in 1957 while, as he claimed, he was in the employ of the CIA. He was shot almost to death in Long Beach, California, in 1960, by an unknown assailant (he wouldn't talk about it). While critically wounded by a .38 caliber bullet in his chest, he hired a cab driver to take him 30 miles to a Santa Monica hospital (verifiable) where he entered under an alias.

Suddenly, in August of 1963, he left Los Angeles, leaving me only a cryptic note saying something about contacting me later and that "certain people in certain circles thought very highly" of me. Whatever that meant.

In March of 1964 he sent me two letters from El Paso, Texas, allegedly smuggled from jail. He

was, I learned, being held for "armed robbery." The first letter was a curious request that I, if questioned, be sure to attest to his "right-wing leanings;" and that I take into consideration that the events in "D" (Dallas) might have been a tragic blunder ("sometimes things go wrong"). The second letter was a request to mail out a series of letters (in the form of a prepared press release) to the Warren Commission, The L. A. Times, The N. Y. Times, and others, reporting that he had been overheard to say during his arraignment that "the FBI held full responsibility for Kennedy's assassination;" and that he was immediately led out of the court by "federal men."

The second letter began, as did the first, with the information that the return addresses on the envelopes were "phony" and to disregard them. The street names and numbers were identical, and the city was El Paso. In checking, true, they were fictitious: no such El Paso street. But there was such a street and number in Los Angeles. It was two doors away, I discovered, from Richard Nagell's mother's house.

I secured her phone number, called her (using an assumed name), pretended to be an old Army buddy who had accidentally met Richard a few months ago, and asked, "What the hell, anyway, was the meaning of the strange postcard I received from him from El Paso saying he was 'in trouble'?"

It took almost half an hour to assure her that I was what I said I was before she admitted that: 1) the FBI had told her not to talk to anyone; 2) they assured her "Richard was sick;" 3) she felt something was very wrong; and 4) Richard somehow "knew something" about the assassination. She would not tell me what he had been arrested for and convicted of; she would only say that I should go to the town from which the letters were mailed.

Two years ago my wife and a friend read all of the meagre correspondence between Richard and me, reviewed the facts, and burned the paperwork. In fine, we were scared. It would be silly of me not to be frightened even today. If you wish to talk to me, place an ad reading:

Don Morgan contact
Jim immediately

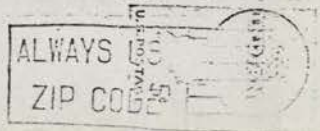
in The Berkeley Barb, 2421 Oregon St., Berkeley, California (a weekly newspaper). If not, good luck with your investigation, gentlemen; you will certainly need it.

Sincerely yours,

Don Morgan
Don Morgan (alias)

P. S. I do not know Nagell's whereabouts, except that he was convicted and was last reported in a Texas federal prison.

copies to: file
Ramparts
Mark Lane



PROPOSED TESTIMONY: Richard C. Nagell, September 19, 1966
United States District Court, El Paso, Texas

Your Honor, ladies and gentlemen of the jury I think I am correct in saying that the purpose of the trial adversary system is to bring out the truth, preferably the whole truth -- surely, nothing but the truth -- so that a just verdict may be reached in accordance with the law.

As I understand it, a trial called pursuant to American standards of jurisprudence is not meant to turn into a game whereby the truth is sacrificed for convenience or withheld to accommodate a circumvention of relevant fact. Nor is the system designed for staging a pageant of subtle misrepresentations in order to gratify everybody but the defendant that justice is being administered.

This is precisely why I have taken the stand. Because this trial has evolved into something more than a contest between the prosecution and the defense, with both sides seeking to win the day through the presentation of carefully selected witnesses, some of them misinformed, many of them mistaken, and deceptive evidence, while evading, by mutual agreement, vital material issues that would allow the Court to view my case in its proper perspective.

Consequently, the truth -- or at least a vast area of the truth -- has not been produced at this trial. Nor was it produced at my initial trial in 1964. As a matter of fact, the truth in my case has never been raised to the surface despite the certainty that a great deal of it is known to the government.

Thus, I have elected to testify in order to ensure that for once the truth is made available for consideration by this Court, even though I possess absolutely no hope of gaining tangible benefit from my testimony. I shall, however, as my story unfolds, be given the satisfaction of knowing that my former colleagues will now be able to ascertain why I did what I did on September 20, 1963; why my case has been prosecuted with such diligence, and why, since the very beginning, my defense has been directed along the route leading to confinement in a mental institution if I should, by some fluke, be acquitted.

Before I get to the meat of my testimony I feel it pertinent to advise the Court that such testimony will necessarily link me, however, obliquely, with a domestic-inspired, domestic-formulated, and domestic-sponsored conspiracy to assassinate a Chief Executive of the United States and other highly-placed government officials. But I want it to be clearly understood that this link stemmed from my cognizance of the conspiracy rather than my participation in it.

Also, I wish to advise at this point that it was, in my soon-to-be qualified opinion, a direct result of my arrest that this conspiracy did not materialize; and that if the Federal Bureau of Investigation had bothered to conduct even a cursory inquiry into my allegations regarding the conspiracy and one of its original perpetrators, Lee Harry Oswald, President Kennedy would probably still be alive.

Further, I ~~will~~ wish to advise that I made every reasonable effort, under the prevailing circumstances, to testify before the Warren Commission when it was in session.

(2)

Now, I shall advance five premises which will, eventually, I am sure, be proven to your satisfaction:

First: That the reason I did what I did in the bank three years ago was for the sole purpose of having myself arrested and detained temporarily by federal authorities.

Second: That prior to my arrest I had notified the Federal Bureau of Investigation, by registered mail, of a pending conspiracy to murder the President of the United States during the latter part of September 1963.

Third: That since the date of my arrest, during my appeal from conviction, and prior to this trial I was beaten, intimidated, and coerced by the authorities because I refused to talk and/or give information, and on one occasion when I refused to submit to hypnosis by a psychologist at Leavenworth Penitentiary I was forcibly administered a dangerous drug until my physical condition commanded it be stopped. That, also at Leavenworth Penitentiary, I was subjected for a ten-day period to what can, at its best, only be described as brutal treatment, because I refused to answer questions.

Fourth: That I am not now, nor have I ever been, insane or otherwise devoid of my mental faculties; nor have I ever attempted suicide, though I have made gestures in that respect for good reason.

Fifth: That the defense of incompetency or insanity, call it what you may, was literally forced upon me by this Court in April 1964, as were the "services" of its appointed attorneys; that after my conviction in May 1964 it became mandatory for me to abide by such defense and cooperate in such defense in order to secure a reversal of my conviction; that the prosecution has, in collusion with my Court-appointed attorneys, suppressed crucial material evidence which would have sanctioned, if not demanded, another avenue of defense -- my true defense; and lastly, that a number of my so-called Constitutional safeguards, including, but not limited to, the right to subpoena witnesses, cross-examine witnesses, and retain legal counsel of my own choosing have been denied by this Court.

.....

In order for the interested parties to better comprehend the reasons for my actions on September 20, 1963, and to avoid confusion, I must cite certain past events concerning myself which, rightly or wrongly, influenced my decision to do what I did.

Everything I am about to say is germane to this hearing, and I say it, not in excuse, but in explanation.

J.G.

To: Bondy,
then to
Archives
(Appropriate file)

Record Form No. 6
(July, 1956)

UNITED STATES DEPARTMENT OF JUSTICE
BUREAU OF PRISONS

SENTENCE NOTICE TO INMATES

UNITED STATES PENITENTIARY
MENEIL BLDG., WASHINGTON

(Place)

June 9th, 19 67

To BUICK, Robert Clayton No. A-32243-M

According to commitment papers in your case you were
sentenced December 9th, 1966, to a term
of 20 years months days.

Fine \$ Committed Not Committed

Costs \$ Committed Not Committed

You were received at this institution 5-13-67

Your sentence begins 12-9-66

You are eligible for parole Set by US Board of Parole

Your "good conduct" term expires 9-12-79

Your full term expires 4-8-86

Good time allowed 2400 days.

Allowed 24 days Jail Time.

J. WAYNE Record Clerk
FPI-LK-3-3-63-01-1955

BOX NO. 1000
STEILACOOM, WASHINGTON 98388
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
F.B.I.

TO RICARD VAN KHEIST
P.O. Box 322
UPLAND, CALIFORNIA 91786

Richard von Kleist

(Copied verbatim as dictated)

Hotel Luna, Mexico City, July 1963

Parties included in plot were Alex Hydell, otherwise known as Lee Harvey Oswald; a female attorney who is well known Communist in Los Angeles (blond, about 35 years age at that time); hotel headwaiter, Frity, first name unknown, who owned a launch believed to be shuttling between Mexico and Cuba. Also believed to be involved - Warren Brogie, hotel chain manager; and Richard Case Nagell, former Captain, U.S. Army, associated with Counter Intelligence in Japan in 1959. Barbara Warren was involved with Alex Hydell and Brogie at the time scheme was planned.

Nagell sent letter to J. Edgar Hoover warning him of plot against Kennedy and naming Alex Hydell as one of the assassins. Hydell was not known to Nagell as Lee Harvey Oswald.

The copy of the letter Richard Case Nagell wrote to J. Edgar Hoover on August 13, 1963, informing him of Oswald's plan to kill Kennedy is being held by Nagell's sister, Eleanor Gambert, 82-25 Grand Ave., Long Island, N. Y. * The letter contains information about Oswald, who was named and referred to as Alex Hydell, and advises Hoover that Kennedy would definitely be killed.

The history of Richard Case Nagell is important. While a member of Counter Intelligence in Tokyo, he was dealing with a Soviet attache officer stationed with Russian Embassy in Tokyo at that time. He was approached several times and was

Spelling?

*later changed to
Nagy*

*all pieces
united*

*address still
4-11-63*

*Richard K. Gambert
1225 Grand Ave.
Long Island, N.Y.*

said to have dealt with said Russian officer as to vital information (classified).

A year or so later Nagell, while working for California Alcohol Beverage Control, was shot through the right chest when involved with a Los Angeles police officer because of Communistic implications. He survived gunshot wound and took off to Mexico or Cuba in launch owned by Fritzy of the Hotel Luna. All of this is and was known by J. Edgar Hoover and FBI.

Nagell was later arrested in El Paso for bank robbery after discharging a firearm in an El Paso bank. He was in Leavenworth Federal Prison for 2½ years and was later brought to El Paso for an appeal. Appeal was denied. From there he was sent to Springfield, Missouri (Federal Prison) and is believed to still be there-(Now listed as mental patient?)

Further information coming on Barbara Warren and a Dr. Fujiyama.

ESTADIO IGNACIO ZARAGOZA
CHETUMAL, Q. R.

Dom. 15 de Septiembre de 1963 - A las 4 p. m.

Grandiosa Corrida de Toros

Con asistencia del Sr. Gobernador

A la hora anunciada, previo permiso de la H. Autoridad que presida y si el tiempo no lo impide se lidiarán a muerte en la usanza española

Hermosos y bravos toros de la Ganadería de

5 DON ROMEO PADRON 5

Que lucirán los colores de su divisa

Actuación especial de los famosos matadores de toros

Luis Briones

El de Seda y Oro

Siempre al Mismo con

El Sensacional

BENJAMIN

López Esqueda

Torciendo un Novillo el Torero Norteamericano

Roberto Buick

Los Matadores saldrán acompañados de sus respectivas cuadrillas de Picadores y Banderilleros de la U. M. de P. B.

Cambiator de Suertes, Juez y Médico de Plaza los que designe la H. Autoridad

PRECIOS DE ENTRADA:

| | |
|-----------------------------------|--------------------|
| Sombra Barrera 1a. Fila | \$ 50.00 |
| " " 2a. Fila | 40.00 |
| " " 3a. Fila | 30.00 |
| Sombra Gral. \$ 25.00 | Sol Gral. \$ 15.00 |
| Niños Media Paga | |

NOTAS: Por ser ganadería de cartel no habrá toros de reserva
Una vez muerto el primer toro si se suspende la corrida por
causa de fuerza mayor no se devolverá el importe de las
entradas y demás cosas con rizar en esta plaza.

IGNACIO ZARAGOZA STADIUM
CHETUMAL, Q. R.

Sunday September 15, 1963 - At 4 p. m.

A GREAT BULLFIGHT

The Governor will honor us with his

Special performance of the famous bullfighters

LUIS BRIONES

Graceful and Smooth

and

The Sensational

BENJAMIN

LOPEZ ESQUEDA

also the American bullfighter

ROBERTO BUICK

Fighting beautiful brave bulls from

5 Don Romeo Padrón 5

ADMISSION PRICES:

| | |
|-----------------------------|-----------------------------|
| Reserved Seats | |
| 1st Row | \$ 50.00 (pesos) |
| 2nd Row | 40.00 " |
| 3rd. Row | 30.00 " |
| Shady Side \$ 25.00 (pesos) | Sunny Side \$ 15.00 (pesos) |
| Children half price | |

Von KLEIST

LETTER FROM ROBERT CLAYTON BUICK

May 9, 1967

Dear Ric:

Received your letter dated May 4. My first impulse of course, was to answer it before any sudden move in environment takes place. Gladys and I are now on a day to day communicative thing with the United States Government as to the aforementioned subject. The move could come tomorrow, in a week or in a month. As to the change, we are at the whims and commands of Big Brother, with very little to say about the subject. We can only request; diplomatically yet. Of course, I am completely prepared for any possibility, whim and caprice of the mighty one.

As to my desires for the entering into the commercial field of excelling myself in print, this will undoubtedly have to be postponed for a short period of time. For Big Brother frowns upon the free and flowing thoughts of the incarcerated political prisoner. He possesses arms to combat physical rebellion. He possesses force to prevent the rising of unity among the free thinkers. But he does not possess neither of the two to contest and combat the vivid truth, and because of this lack, he would never allow one such as I to commence in spreading the gospel (my kind of gospel) to the sheep who unknowingly graze upon the synthetic pasture of wisdom. He is knowingly aware that I would indeed lead them into the righteous pasture of wisdom. Once there he would be constantly exposed to consistent explanation of which would not be to his particular liking.

Then again, perhaps, this is really not the proper or secure thing to do. Sheep have a tendency, to panic when the wolfpack is openly revealed to them. I often wonder if they are ready for such an exposure. History is deceiving, and the deception of history has always led them to what has seemed to them, the brightest and greenest pasture. It would be like telling a child on Christmas Eve that Santa Claus is a rat-fink and that no toys shall appear come the dawn. I really do not think they are really ready or will be ready to face reality for some time to come. Shall we allow the pasteled color of fantasy to continue and eventually descend into complete and frightening robotic existence, or begin to build the barrier against it.

At times I think of myself as being selfish, but also I begin to question as to what side of me is selfish. Is it selfish to remain the rebel and the fugitive, or is it selfish not to allow them to captivate all in fear that if they control all existence, they shall also swallow and devour my individualism. This has always been a difficult and interesting analysis of the present status. It is somewhat like the gigantic icebergs in the north and south poles. If one is to melt and destroy them too rapidly, then in the desolvement, the excessive cubic feet of water shall undoubtedly rise and rush over the land. If the iceberg is permitted to remain, then too, it shall eventually begin to cover the land. What is the lesser of the two evils Ric? Hellava hypothesis isn't it?

I shall of course keep in touch, however, and wherever possible, for I feel that we not only have the great possibility of doing great things, but eventually will accomplish great things.

Later,

R.

Draft Copy

Draft Copy

MEMORANDUM IN SUPPORT OF PETITION
FOR WRIT OF HABEAS CORPUS
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

RICHARD CASE NAGELL, A-16606-H,

Petitioner,

Vs.

DIRECTOR, U.S. MEDICAL CENTER
FOR FEDERAL PRISONERS, and,
UNITED STATES ATTORNEY GENERAL,
et al,

Respondents.

(CR: RICHARD CASE NAGELL, A-83286-L)

Civil Action No. _____

(CR: WARDEN, U.S. PENITENTIARY, LEAVENWORTH,
KANSAS, and,
UNITED STATES ATTORNEY GENERAL,
et al,

COMES the petitioner in the matter pending, and, by his own counsel, files a MEMORANDUM IN SUPPORT of Petition For Writ Of Habeas Corpus, alleging generally and specifically as follows:

Petitioner was arrested at El Paso, Texas, on September 20, 1963, and charged by state authority with vagrancy, flight to avoid prosecution, and suspicion of armed robbery. He was booked and lodged in the El Paso City Jail after interrogation at the city's Federal Building by agents of the Federal Bureau of Investigation.

FIRST SPECIFIC ALLEGATION: That on September 20, 1963, while being transported by automobile from the State National Bank, El Paso, Texas, to the city's Federal Building, petitioner exclaimed to Mr. Thomas H. White, Jr., a Special Agent of the Federal Bureau of Investigation, "I would rather be arrested than commit treason" or "I would rather be arrested than commit murder and treason"; that another Special Agent of the F.B.I. (not further identified) who was present in the automobile, asked petitioner what he meant; that petitioner did not then or ever later answer his question; that petitioner's outburst and the aforesaid question was heard by another person not herein identified; that either utterance by petitioner later developed into evidence AND ^{AND} ^A important to his defense against the crime for which he was indicted; that such evidence was withheld by the Federal Bureau of Investigation and suppressed by petitioner's court-appointed counsel, against ~~his~~ ^{PETITIONER'S} will, at both trials on the merits and on appeal therefrom.

SECOND SPECIFIC ALLEGATION: That petitioner, while confined in the El Paso City Jail, after being ordered to remove all his clothing and ordered inside a strip-cell, was abused by Mr. Pete Blanco and abused, threatened with bodily harm and assaulted by Mr. Carl D. Fortune, both officers of the El Paso Police Department; that such abuse, ~~threat, and assault~~ ^{threat, and assault} was without just cause or provocation and was witnessed by persons not herein identified; that shortly thereafter petitioner reported such abuse, threat and assault to a person not herein identified who investigated his complaint and found it to be fact; that petitioner was not permitted by his court-appointed counsel to raise the foregoing issue or subpoena witnesses in regard thereto, ~~against his will~~ ^{PETITIONER'S} against his will, at either trial on the merits or on appeal therefrom.

The next day, September 21, 1963, petitioner was transferred to the El Paso County Jail where he was booked and lodged. He was arraigned before a United States Commissioner under the bank robbery statute. He pleaded not guilty to the charge and waived a preliminary hearing. Bond was set at \$25,000.00. Petitioner failed to post bond and was remanded to the custody of the United States Marshal. The state charges were eventually dropped.

THIRD SPECIFIC ALLEGATION: That during an interview by F.B.I. Special Agent Thomas H. White, Jr., and the aforementioned unidentified F.B.I. Special Agent, held on September 21, 1963, Mr. White exclaimed to petitioner, "We don't think you tried to rob that bank either, but we want to know why you want yourself arrested," or words similar and to that effect; that such exclamation later developed into evidence, essential to petitioner's defense against the crime charged; that such evidence was withheld by the Federal Bureau of Investigation and suppressed by petitioner's court-appointed counsel, against petitioner's will, at both trials on the merits and on appeal therefrom.

Thereafter (exact date unknown), the United States District Court judge at El Paso, on the government's motion, directed that petitioner be given a mental examination by Dr. R. J. Bennett, an El Paso psychiatrist. On October 11, 1963, Dr. Bennett reported to the court that on two occasions he had attempted to examine petitioner, without success, because he was unwilling to furnish any information.

Thereafter (exact date unknown), petitioner wrote the court, stating, among other things, that he had always acted from love for his country and that his conduct in the bank had been predicated on such love, "however incomprehensible it may appear."

The court first appointed Mr. James E. Hammond of El Paso to represent petitioner. During a hearing held at petitioner's instance on November 4, 1963, petitioner informed the court he no longer desired the services of Mr. Hammond because he had disclosed some confidential information to the F.B.I. Mr. Hammond denied the charge, but was relieved as counsel.

At the same hearing, ^(NOVEMBER 4, 1963) petitioner, by hand-written application ~~76/1116/887743~~, requested habeas corpus in order to ascertain the particulars of the government's case against him, and to compensate for his waiver of a preliminary hearing. F.B.I. Special Agent Thomas H. White, Jr., testified for the government and a prima facie case was established. Petitioner offered no comment with respect thereto.

FOURTH SPECIFIC ALLEGATION: That in the latter part of October 1963 (exact date unknown), while discussing his contemplated defense with Mr. James E. Hammond, court-appointed counsel, petitioner revealed he had made an unauthorized trip to Cuba; that several days later counsel admitted to petitioner he had disclosed this privileged communication and other information given him in confidence by petitioner to the Federal Bureau of Investigation; that counsel cited his reasons for doing so; that such reasons were invalid; that such disclosure was later confirmed by persons not herein identified; that all such information revealed by petitioner to counsel was material and vital to his defense against the crime charged; that at no time did petitioner authorize the disclosure of any information he provided Mr. Hammond; that by the foregoing, petitioner's privilege to the standard attorney-client relationship was abrogated; that counsel's aforementioned conduct had a direct bearing on petitioner's refusal to accept the services of another El Paso lawyer (Mr. John Langford) appointed thereafter by the court; that counsel's aforementioned conduct bred in petitioner a distrust of other local attorneys subsequently appointed by the court to defend him; that petitioner was not permitted by his court-appointed counsel, against petitioner's will, to raise the aforesaid issue at either trial on the merits or on appeal therefrom.

On November 19, 1963, during an interview held at the El Paso County Jail, petitioner alleged certain violations of his constitutional safeguards by the authorities to Mr. Edward J. Murphy and Mr. Lawrence W. Gorman, Special Agents of the Federal Bureau of Investigation. He signed a written statement they took in that regard. When the interview terminated, petitioner wrote a note to F.B.I. Special Agent Thomas H. White, Jr., and asked Mr. Murphy to give it to Mr. White. Mr. Murphy stated he would do so.

ON NOVEMBER 22, 1963,
FIFTH SPECIFIC ALLEGATION: That the aforesaid note later, on November 22, 1963, developed into evidence vital to petitioner's defense against the crime charged; that such evidence was withheld by the Federal Bureau of Investigation from the United States Attorney prosecuting petitioner's case then and ever later; that such evidence was withheld by the F.B.I. from petitioner's ~~attorney~~ counsel appointed by the Court ever later; that such evidence was suppressed by petitioner's court-counsel at both trials on the merits and on appeal therefrom, in that he refused to ask the court to issue a subpoena duces tecum for such evidence, after petitioner insisted he do so.

On November 22, 1963, at approximately 1:00 P.M. Central Standard Time, petitioner wrote a note and handed it to Mr. Mendoza (also known as "Chuy"), a deputy sheriff and jailer on duty at the El Paso County Jail, asking that he take it to the Jail Captain immediately. The note was a request to speak to the Secret Service as soon as possible, that it was "important." The writing of such note and the handing of such note to Mr. Mendoza was witnessed in its entirety by a person not herein identified.

Thereafter (exact date unknown), petitioner was visited by F.B.I. Special Agent Thomas H. White, Jr. Petitioner stated to Mr. White that he had asked to speak to the Secret Service, not the F.B.I. He said he had sent a letter to the F.B.I. in Washington prior to his arrest "about Lee Oswald," and that the F.B.I. had neglected to do anything about it. Mr. White asked petitioner where and how he had met Mr. Oswald, and other questions. Petitioner answered several questions but refused to answer some others. He said he would speak only to the Secret Service. Whereupon, Mr. White became angry and left the interview room.

Thereafter (exact date unknown), petitioner was visited by Mr. White, another Special Agent of the F.B.I. who stated he was handling the F.B.I.'s investigation into the assassination of President Kennedy, and a man who identified himself as a member of the Secret Service. Whereupon, petitioner refused to answer any questions truthfully or elaborate on any answers he gave, because of the presence of the aforesaid F.B.I. agents.

That same night petitioner wrote a letter to the Chief, Secret Service Division, U.S. Treasury Department, Washington, D.C., advising that there had been a conspiracy to murder President Kennedy and other government officials; that he would be willing to give information in regards thereto; that he had been questioned by a member of the Secret Service in the presence of the F.B.I., and that he could not be expected to answer questions truthfully under those conditions. Petitioner never received a response to his letter from the Secret Service.

Thereafter, the court appointed Mr. John Langford of El Paso to represent petitioner, but petitioner informed him, and later the court, he did not desire the services of any court-appointed counsel, that he would defend himself. Mr. Langford was excused as counsel during a hearing held on December 4, 1963.

At the same hearing, petitioner, by hand-written application and verbal argument, contended he was being denied a speedy trial. His petition was summarily denied. Petitioner then informed the court that certain personal effects taken from him at the time of his arrest by agents of the F.B.I. had not yet been returned to him, and that he needed these effects to present as evidence for his defense if he was ~~to~~ stand trial. The presiding judge, the Honorable R. E. Thomasen, thereupon instructed the Assistant United States Attorney present at the hearing, Mr. Fred Morton, to see that the personal effects belonging to petitioner were returned to him.

On December 14, 1963, F.B.I. Special Agent Thomas H. White, Jr., brought most of the aforementioned personal effects to the El Paso County Jail and permitted petitioner to inspect them, but he would not return the items petitioner stated he needed. Petitioner was made to sign a receipt for what personal effects were returned to him, but Mr. White ~~did~~ refused to give petitioner any kind of a receipt for the items he kept.

SIXTH SPECIFIC ALLEGATION: That on September 20, 1963, agents of the Federal Bureau of Investigation seized and confiscated personal and private property belonging to and in the possession of petitioner, such property constituting evidence crucial to his defense against the crime charged; that such property consisted in part of two pocket-size notebooks (one of them containing names of certain agents and employees of the Central Intelligence Agency), two receipts for registered mail, ten or more photographs of various individuals, two Mexican tourist cards (one of them for ~~for~~ multiple entrance) made out to the names "Joseph Kramer" and "Albert" or "Aleksel Hidel;" that the F.B.I., having been duly apprised of the court's instructions to return the aforesaid property to petitioner, refused ever to do so; that such refusal precluded petitioner from presenting evidence crucial to his defense at either trial on the merits or on appeal therefrom; that prior to each trial petitioner insisted court-appointed counsel ask the court to issue a subpoena duces tecum for such evidence and that counsel refused to do so; ~~that the foregoing, in part and as a whole, constituted, besides other transgressions on petitioner's rights as a defendant in a criminal case, an unreasonable seizure of private property in violation of petitioner's safeguards pursuant to the Fourth Amendment to the United States Constitution.~~

Meanwhile (exact date unknown), petitioner had written to the United States Department of Justice complaining of an "illegal seizure of personal and private property by the F.B.I.," and mentioning the statement he had signed for F.B.I. Special Agents Edward J. Murphy and Lawrence W. Gorman on November 19, 1963. Petitioner never received an answer to his letter.

On January 6, 1964, petitioner was interviewed at the El Paso County Jail by Mr. Murphy and Mr. Gorman, F.B.I. He was accused of having acted as an "unregistered agent" for a foreign power and of aiding and abetting in the commission of a capital offense. He was accused of having resigned his commission from the Army for reasons not included in his Letter of Resignation. Mr. Murphy said he thought petitioner had "something you want to get off your chest," or words similar and to that effect, and added "we are glad we got to you before you did anything to yourself," or words similar and to that effect. In the latter regard, Mr. Murphy drew a comparison between petitioner and one Jack Dunlap, a suspected spy, who allegedly committed suicide in July 1963. Mr. Murphy asked petitioner if he would be willing to go to "Springfield" for awhile, and when petitioner replied that he would not, that he wanted to stand trial because he was innocent of ~~any wrongdoing~~, Mr. Murphy stated "well, you might have to go to prison for awhile," or words similar and to that effect, indicating

petitioner would be convicted if he stood trial. Petitioner became angry and said that the F.B.I. was "trying to cover everything up," to which Mr. Murphy answered, "What do you mean?"....to which petitioner retorted, "You know! damn well what I mean."

At this interview, petitioner gave a signed statement admitting the reason he had entered the bank on September 20, 1963, and why he had wanted himself arrested by federal authorities. Petitioner told Mr. Murphy and Mr. Gorman he thought initially he would be tried for discharging a firearm on property subject to federal jurisdiction, but that now he could "see the handwriting on the wall."

SEVENTH SPECIFIC ALLEGATION: That the aforementioned admission, duly signed and witnessed, constituted evidence vital to petitioner's defense against the crime for which he was later indicted; that according to court-appointed counsel (Mr. Joseph A. Calamia), the Federal Bureau of Investigation denied on his inquiry, before the first trial on the merits, that it was in possession of such evidence or that petitioner had ever given its ~~agents~~ agents such evidence; that if counsel's allegation is fact, the F.B.I. knowingly withheld such evidence before and at the first trial on the merits; that counsel, at petitioner's second trial, having been provided with a copy of the aforementioned admission or statement per the court's order, refused ~~without any~~ explanation to make any attempt to have the original introduced into evidence, despite petitioner's insistence he do so; that counsel's refusal amounted to suppression of evidence vital to petitioner's defense, for the court would surely have permitted the truth to be introduced; that had such evidence not been withheld or suppressed at either trial on the merits, but had it been introduced together with other evidence that was withheld or suppressed, it probably would have been so persuasive to reasonable members of the juries as to have caused them to return a verdict of acquittal; that at the very least, introduction of such evidence at either trial on the merits or on appeal therefrom, would have opened the door for petitioner to testify as to the truth in his case, a right then and ever later denied him, ~~that by the foregoing, in part or as a whole, petitioner's right to due process pursuant to the Fifth Amendment of the United States Constitution was abrogated.~~

Thereafter, in January 1964 (exact date unknown), petitioner was indicted by a federal Grand Jury at San Antonio, Texas, for having entered a federally insured bank with intent to rob and for attempting to commit a robbery in violation of Section 2113 (a), Title 18, U.S.C.A.

Between January 8, 1964 and January 21, 1964 (exact date unknown), petitioner wrote another letter to the United States Attorney General citing violations of his constitutional safeguards, that the F.B.I. still held evidence he needed for his defense, that he was being intimidated to incriminate himself in the alleged commission of an offense other than the one for which he was charged, and that he was being denied a speedy trial. Petitioner never received an answer to his letter.

At a hearing held on January 24, 1964, the court, on the government's motion, ordered petitioner committed to the U.S. Medical Center for Federal Prisoners, Springfield, Missouri, for a period of psychiatric observation to determine his mental competency to stand trial. Petitioner contended his military and Veterans Administration records would prove he had no psychosis.

At the same hearing, petitioner stated to the court he had been questioned by the F.B.I. regarding alleged subversive activities and activities of a nature inimical to the best interests of the United States, that he had been asked questions by the Secret Service regarding "Lee Harvey Oswald," and that he would not willingly participate in any psychiatric examination or consultation at Springfield. After

leaving the courtroom, petitioner was approached by a group of newsmen, one of whom asked petitioner a question pertaining to the assassination of President Kennedy; whereupon, both of petitioner's arms were grabbed by Deputy U.S. Marshals Jack Graves and, possibly, Jim Johnson and he was hustled into an elevator. Before the elevator door closed, petitioner shouted to the aforesaid newsmen, "The F.B.I. is responsible for the assassination of President Kennedy," meaning that it had neglected to take steps which ~~was~~ in petitioner's opinion would have prevented the President's murder. Petitioner's outcry was broadcast over a local radio station soon thereafter.

As a ~~sidepoint~~ sidepoint, it might be mentioned here that during petitioner's long incarceration in the El Paso County Jail, then and later, he was never permitted to read a newspaper, but that he did, on occasion in 1966, read ~~of~~ newspapers which were smuggled to him by another inmate of the jail. Altogether, petitioner spent over one year confined in such jail.

Thereafter, on January 26, 1964, petitioner was transported by automobile to the U.S. Medical Center for Federal Prisoners.

On March 6, 1964, the Chief Medical Officer at the U.S. Medical Center for Federal Prisoners reported to the court a diagnosis that petitioner had a "passive-aggressive personality"; that he was competent to stand trial as he had a rational as well as a factual understanding of the proceedings against him, and that he was able to assist rationally in his defense.

On or about March 12, 1964, petitioner was returned to the El Paso County Jail.

EIGHTH SPECIFIC ALLEGATION: That petitioner was not at the time of the offense alleged, at the time of any of his commitments to the U.S. Medical Center for Federal Prisoners, or ever later, insane or otherwise devoid of his mental faculties; that he is not now, nor has he ever been, certified psychotic or insane by any medical authority, or adjudicated mentally incompetent in a court of law or adjudged to be incapable of acting or assisting in his own defense; that this premise, unless determined otherwise in a court of law, should be considered as fact and pertinent to all allegations set forth herein.

* (OVER) INCLUDE HERE

At a hearing held on March 24, 1964, petitioner, convinced that the delay in bringing him to trial stemmed from his refusal to accept the services of counsel appointed by the court, requested such counsel be appointed. Whereupon, the court appointed Mr. Gus Rallis and Mr. Richard B. Perrenot, both of El Paso, to represent him.

The case was called on March 30, 1964, and then continued for the purpose of allowing counsel additional time in which to prepare for trial.

On April 10, 1964, at a hearing involving a request for issuance of subpoenas for certain records desired by petitioner, he exclaimed, "I think I'm being railroaded because I'm an accused communist and because I've been accused of being an espionage agent."

NINTH SPECIFIC ALLEGATION: That on April 10, 1964, an employee of the sentencing court erred in recording petitioner's outburst, aforementioned, in that the court record shows petitioner as stating, "I think that I am being railroaded because I am a communist and because I have been accused of being an espionage agent"; that such erroneous statement was made public in and around El Paso, Texas; that such error has never been corrected despite repeated efforts by petitioner to have court-appointed counsel entertain an affidavit affirming to the contrary; that such uncorrected error

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was twice referenced in the appellate court's opinion reversing petitioner's first conviction; that such uncorrected error is and has been throughout the litigation in this case unduly prejudicial to petitioner.

At sometime between April 10, 1964 and April 20, 1964 (exact date unknown), petitioner drafted a letter to the Director, Federal Bureau of Investigation, Washington, D.C. He asked counsel, Mr. Rallis, to have the letter typed and to have several carbon copies made of it, which Mr. Rallis did the next day. After petitioner signed the original he requested that Mr. Rallis mail it via postal registry, which he stated he would do, in the presence of Mr. ~~Perrenot~~ Perrenot.

In the letter, aforementioned, petitioner made reference to another letter, signed with either the name "Joseph Kramer" or "Robert Nolan," which had been mailed at petitioner's instance, via postal registry, to the Director, Federal Bureau of Investigation, in September 1963 prior to his arrest. That letter advised of a conspiracy to murder the Chief Executive of the United States (or President John F. Kennedy) during the latter part of September 1963, and the identity and whereabouts of one of the key persons, if not the key figure, involved: "Albert" or "Aleksai Hidel."

In the April Letter, aforementioned, petitioner explained that it was he who had signed the September Letter, that the F.B.I. should realize this, and that the truth was going to be brought out if he stood trial on "trumped-up charges."

TENTH SPECIFIC ALLEGATION: That files and dossiers of the Federal Bureau of Investigation, including File No. 91 1189 14, will reveal that the names "Joseph Kramer" and "Robert Nolan" are pseudonyms of petitioner, used by him during the month of September 1963, and prior thereto; that the pseudonym "Robert Nolan" was authorized for petitioner's use by an intelligence organization operating under the control of responsible officials of the United States Government; that petitioner used both of the aforesaid pseudonyms at various locations in the United States and in three foreign countries during the period September 1962 through September 1963; that petitioner's use of such pseudonyms in the United States and Mexico was well known to the F.B.I. prior to his arrest; that files and dossiers of the F.B.I. and the Central Intelligence Agency will reveal that the names "Albert Hidel" and "Aleksai Hidel" were pseudonyms used by Mr. Lee H. Oswald during the month of September 1963 and prior thereto.

ELEVENTH SPECIFIC ALLEGATION: That a letter mailed at petitioner's instance between September 9, 1963 and September 17, 1963, to the Director, Federal Bureau of Investigation, later developed into evidence crucial to his defense against the crime charged; that such evidence was withheld by the F.B.I. at both trials on the merits; that through intimidation and coercion by court-appointed counsel petitioner was not allowed to raise the aforesaid issue or subpoena witnesses in regards thereto at or before either trial on the merits or on appeal therefrom; that had such evidence been introduced at either trial on the merits it probably would have been so persuasive to reasonable jurors that, coupled with other evidence petitioner was not permitted to introduce, it would have caused them to return verdicts of acquittal; that, at the least, introduction of such evidence at either trial on the merits would have opened the door for petitioner to testify as to the truth in his case, a right then and ever later denied him.

On April 20, 1964, the case was again called at which time petitioner requested relief of one of his counsel, Mr. Perrenot. Petitioner alleges that the reason he asked for Mr. Perrenot's relief concerned his remark to petitioner, in the presence of

Mr. Rallis, that he had heard petitioner was a communist and that he despised everything petitioner stood for, but that he would still represent him if he wanted his assistance. Petitioner did not feel he could safely go to trial with such counsel. The court permitted Mr. Perrenot to withdraw from the case and another El Paso lawyer, Mr. Joseph A. Calamia, was substituted in his stead.

At a hearing held in the afternoon of the same date, April 20, 1964, Mr. Calamia reported to the court that petitioner was refusing to cooperate in the matter of obtaining what he termed "complete psychiatric reports." Petitioner denied any mental disability to the district court judge and said he had already been found mentally competent to stand trial.

TWELFTH SPECIFIC ALLEGATION: That prior to the aforesaid hearing, counsel, Mr. Calamia, had asked petitioner to sign papers authorizing the Veterans Administration to forward his medical records to the court (through the United States Attorney who was prosecuting petitioner's case); that petitioner refused, advising counsel that though he had been awarded a 64% disability rating by the V.A., it was not for a mental condition and that neither the Army or the V.A. had ever found him to be afflicted with a nervous disorder; that petitioner did not then or ever later want to raise the issue of insanity or mental incompetency as a defense against the crime charged, and that he so informed his counsel; that petitioner apprised counsel that the defense of insanity or mental incompetency was contrary to the truth and facts involved in his case; that petitioner apprised counsel, pointedly Mr. Rallis, before Mr. Calamia's appointment, of the reasons why he had wanted himself arrested by federal authorities on September 20, 1963, and why he had subjected himself to arrest in the manner he did; that such reasons related to a conspiracy to murder the former Chief Executive of the United States, President John F. Kennedy.

At the same hearing, held in the afternoon of April 20, 1964, petitioner stated to the court he would not cooperate with his appointed counsel in so far as any defense depended on mental incompetency, citing that such a defense was contrary and repugnant to the truth in his case. The upshot of this was that the court allowed both Mr. Calamia and Mr. Rallis to withdraw as counsel, at their request. The presiding judge, the Honorable Homer T. Thornberry, instructed that petitioner "will prepare his own defense," and stand trial the following Monday morning.

After the hearing ended, petitioner was returned to the El Paso County Jail, while then former counsel deposited all of petitioner's defense material (including written statements and advisements petitioner had given counsel, and photostats of documents petitioner had paid for at prior counsel's expense) with the U.S. Deputy Marshal, whose office was in the Federal Building. Petitioner was told he could not take this material with him to his tank in the jail.

THIRTEENTH SPECIFIC ALLEGATION: That as a result of the court's instructions, aforesaid, petitioner was coerced by the sentencing court to accept, cooperate in, and abide by the defense of insanity or mental incompetency as his defense at the first trial on the merits, in that he was not given sufficient time to prepare a proper defense after abrupt notification he was to stand trial without counsel; that, all other factors set aside, under the conditions of petitioner's confinement it was virtually impossible for him to adequately prepare a defense in the short time allotted; that the defense of insanity or mental incompetency was contrary to the truth, inconsistent with, and opposed to the facts responsible for petitioner's conduct in the bank on September 20, 1963; that such defense was inadequate and ineffective then and ever later and resulted in petitioner's conviction at both trials on the merits.

At a hearing held on April 21, 1964, petitioner agreed to accept and cooperate

in the defense of insanity or mental incompetency for the reasons already stated. Mr. Calamia and Mr. Rallis were reappointed by the court as petitioner's counsel.

At a hearing held on April 23, 1964, a continuance was granted counsel in which to prepare for trial.

△ INCLUDE HERE (OVER)

On May 4, 1964, the case went to trial. * INCLUDE HERE (OVER)

Briefly, by prosecution testimony, the record alleges that late in the afternoon of September 20, 1963, petitioner went into the State National Bank, El Paso, Texas. He approached a lady teller and asked where traveler checks could be obtained. He was directed to another cage. Upon reaching the proper cage he asked that lady teller for one hundred dollars worth of travelers checks in ten dollar denominations. Allegedly the teller moved to get them, whereupon petitioner was alleged to have said, "Lady this is a real gun." She immediately ran, allegedly, and petitioner took several steps away from the cage, fired two shots into the wall at a height of about seven feet, not aiming at the teller, and allegedly ran out of the bank. He was followed by a uniformed police officer who was acting as a guard inside the bank (guarding a display of currency, mostly counterfeit). Petitioner was, without ~~difficulty~~ difficulty, arrested at a time when he allegedly was about to leave in an automobile he was alleged to have left parked near the bank.

Petitioner testified in his own behalf. He denied he had really intended or attempted to rob the bank. He denied he had said, "Lady, this is a real gun," or that he had run out of the bank. One witness, the vice-president of the bank, substantiated his latter denial. Petitioner alleges this witness was about to state, "I thought it was joke," when the prosecution, having been informed of what he was going to state, jumped up immediately and objected. Petitioner was asked by his own counsel if he adhered to the communist philosophy, to communist teachings, but he declined to answer on the grounds that it might incriminate him. He contended that he did what he did in the bank not for robbery but ~~in order~~ in order that he might be arrested by federal authorities. He refused to elaborate on why he wanted to be arrested ~~other~~ other than to say he thought it would provide a solution, however temporary or immediate, to a problem he considered at the time to be an unbearable problem, with which he was confronted. He said that before he went to the bank he was in the process of leaving the United States permanently, by way of ~~Mexico City~~ Mexico City. He insisted that if acquitted he planned to leave, because he had had every basic constitutional right violated.

Although counsel had, prior to the trial, promised petitioner he would have F.B.I. Special Agents White, Murphy, Gorman and three other Special Agents not herein identified, subpoenaed to the trial for questioning by petitioner, he failed to do so. Mr. White was present at the prosecutor's table, but did not testify. Counsel refused to put Mr. White on the stand, despite petitioner's insistence he do so. As a matter of fact, no agents of the Federal Bureau of Investigation testified at either trial on the merits.

FOURTEENTH SPECIFIC ALLEGATION: That petitioner was intimidated by court-appointed counsel, Mr. Calamia, not to tell the whole truth at his first trial on the merits, in that he was advised during a pre-trial interview if he told "any wild tales in court like you just told me," the judge would stop the trial and he would be committed to a mental institution; that during the trial such intimidation was reiterated by counsel both inside and outside the courtroom and prevailed throughout the trial; that as a result of telling part of the truth but not the whole truth and the ~~withholding~~ withholding and suppression of evidence, vital, and crucial to petitioner's

Reverse of page 8 of the original

On May 1, 1964, three days before the trial, petitioner was visited by both counsel who attempted to persuade him to submit to an indefinite commitment to the U.S. Medical Center for Federal Prisoners in lieu of standing trial. Mr. Calamia advised that he had spoken to the district court judge about this, and that the judge said he would agree to such a commitment providing petitioner did not object. Mr. Ballie stated that petitioner was going to be tried before a "blue-ribbon jury," and that he would be convicted, because, as Mr. Ballie put it, "they'll think anybody who walks into a bank with a gun intends to rob it," or words similar, and to that effect. An explanation of the reactive tactics counsel employed to convince petitioner he should submit to such a commitment in lieu of standing trial would only be repetitive and superfluous. Petitioner informed counsel that he wanted to stand trial, that he had just been found medically competent to stand trial, and that counsel knew he was "being framed."

On May 3, 1964, the day before the trial, both counsel, accompanied by an El Paso psychiatrist (Dr. Manuel Hernandez) who had examined petitioner previously, again visited the jail. Mr. Calamia stated that he was going to hold a sanity hearing "tomorrow" and that he intended to show petitioner was not mentally competent to stand trial. Whereupon, petitioner became angry and said to Dr. Hernandez, "I thought you told me you thought I was competent to stand trial?" Dr. Hernandez replied, "You are," but that it was a matter of petitioner being sent to either a hospital or prison, and that he thought a hospital would be better.

Petitioner exclaimed there was no difference between Springfield and a prison. He told Mr. Calamia, "You can have your sanity hearing," but that he would testify and prove he was not insane. Both counsel and Dr. Hernandez then left the jail. Approximately one hour later all three returned. Whereupon, Mr. Calamia stated to petitioner that he would not try to show that petitioner was not competent to stand trial, that he would stand trial as scheduled, but that he (Mr. Calamia) needed petitioner's complete cooperation on the defense of insanity. Mr. Calamia stated that they had only been "testing" petitioner.

* Immediately prior to the selection of the jury a brief sanity hearing was held at which petitioner was adjudicated mentally competent to stand trial.

rightful defense, he was convicted at said trial; that counsel, by such intimidation, denied petitioner adequate and effective legal assistance since the purpose of a jury trial is to bring out the whole truth in order that the jury itself, and only the jury, may accept it or reject it, and render a just verdict accordingly.

FIFTEENTH SPECIFIC ALLEGATION: That counsel, by asking petitioner during his testimony if he adhered to the communist philosophy, to communist teachings, without ascertaining beforehand what his answer would be, so abused standard procedure and so conceivably prejudiced petitioner's cause, as to influence the jury to return a verdict of guilty; that counsel, both during the first trial on the merits and in preparation thereof, well demonstrated his intent to raise only the issue of insanity or mental incompetency as the ~~primary~~ primary avenue of defense, when there existed in fact and to his knowledge a different and accurate ~~primary~~ primary avenue of defense, that of the truth; that counsel advised petitioner before the first trial on the merits that he did not expect to win acquittal for petitioner at said trial, but that he would win a reversal on appeal.

On May 6, 1964, petitioner was convicted by the jury on both counts of the indictment.

On May 8, 1964, petitioner was interviewed by both counsel at the El Paso County Jail. Mr. Calamia stated, "I told you, Richard, I was going to have to win this case on appeal," or words similar and to that effect. Petitioner made reference to a letter he had mailed to the court prior to the trial, in April 1964 (exact date unknown), which later was ~~read~~ read into the record by the judge, and which requested that he be examined by a Veterans Administration psychiatrist and given an electroencephalogram (EEG) test. Petitioner also referred to Dr. Edwin A. Weinstein, a consultant in neurology and psychiatry, who conducted examinations of petitioner in 1955 when he was a patient at Walter Reed Army Hospital recovering from injuries sustained in the crash of a military aircraft. Petitioner had, on or about April 23, 1964, provided counsel with Dr. Weinstein's name and address and the information that petitioner had suffered a negligible amount of organic brain damage as the result of a head injury received in the plane crash, plus the information that while Army medical authorities had determined such brain damage to be negligible, Dr. Weinstein theorized it to be more serious.

Petitioner asked counsel why, if he was so bent on showing the jury that petitioner was insane, had he not arranged for the EEG test petitioner had requested, and why had he not contacted Dr. Weinstein?

Counsel answered that he thought petitioner had, at the time, been trying to prove there was "nothing wrong" with him.

Be that as it may, petitioner alleges the foregoing to be significant when, as will be seen, the element of organic brain damage was not raised until petitioner's hearing on a motion for a new trial (at which Dr. Weinstein was subpoenaed and testified), which in turn, though the motion was denied, provided substantial grounds for ~~petitioner's~~ petitioner's first appeal.

Petitioner alleges the foregoing to be more significant when it is considered that the element of brain damage (alleged by counsel on appeal, and through coerced, perjured testimony of petitioner and perjured testimony of Mr. Rallis, to have been concealed by petitioner from counsel until after the first trial) materialized into the so-called "crucial evidence newly discovered," which became the sole grounds for the reversal of petitioner's first conviction.

Petitioner also alleges the foregoing to be even more significant when it is considered that later, prior to the second trial on the merits, as will be seen, intensive psychological testing and electroencephalographic examination of petitioner at the U.S. Medical Center for Federal Prisoners failed to show any evidence of brain damage.

SIXTEENTH SPECIFIC ALLEGATION: That aforementioned court-appointed counsel, by his own design and for his own purpose, neglected to initiate action which could have raised the so-called newly discovered evidence at petitioner's first trial; that if such evidence could convince the appellate court to reverse petitioner's first conviction, it also could have, conceivably, been persuasive enough to cause the first trial jury to render a verdict of acquittal (regardless of the final outcome of the brain damage theory); that counsel deliberately lied in the motion for a new trial and in his brief submitted on the first appeal, when he stated or indicated that it was petitioner who had concealed the facts leading to the "discovery" of the "new evidence"; that as a result of counsel's untruths with respect thereto, Mr. Rallis' perjured testimony at the hearing on the motion for a new trial, and petitioner's own coerced, perjured testimony at such hearing (supported by Dr. Weinstein's testimony, though in good faith), the appellate court erred in finding that the newly discovered evidence was concealed by petitioner; that if the element of brain damage had been introduced as evidence at petitioner's first trial, and had he been acquitted as a result, later on, at the hearing on the motion for a new trial, petitioner would not have been maneuvered into the position where he was coerced to perjure himself, nor would he have found it necessary before the second trial to submit to medical examination (as will be seen, through intimidation) which finally dissipated the so-called newly discovered evidence completely; that had any of the foregoing not occurred, petitioner would not now be a convicted and sentenced prisoner.

Prior to the hearing on the motion for a new trial, counsel, Mr. Calamia, inferred that if petitioner would testify that he had not mentioned Dr. Weinstein's name, the aforesaid plane crash, or the possible existence of brain damage to him until after the trial on the merits, that there would be good grounds for a reversal of petitioner's conviction on appeal. Counsel did not openly state this, but his inference was nevertheless obvious to any person of average intelligence. Counsel also inferred that such testimony would help block any attempts by the government to claim lack of diligence on the part of petitioner or counsel.

With this in mind, petitioner took the stand at his hearing on the motion for a new trial, held on June 7, 1964. In short, petitioner testified that he had not disclosed the "existence" of organic brain damage or anything relating thereto to counsel before his trial on the merits. Petitioner perjured himself on this account and on other matters, including an "admission" he had shot himself through the chest in a suicide attempt and that he had destroyed certain Army medical records, to indicate he was and had been mentally ill. Petitioner alleges that such testimony was in every sense of the word coerced testimony and wholly untrue.

SEVENTEENTH SPECIFIC ALLEGATION: That petitioner did, at his hearing on the motion for a new trial subsequent to conviction at the first trial on the merits, give false and perjured testimony; that such testimony was then, before, and ever later known by both court-appointed counsel to be false; that petitioner gave such perjured testimony only after coercion and the series of events already described convinced him he would not be able to obtain justice by answering counsel's questions truthfully in open court; that petitioner was unlawfully coerced into ~~committing~~ committing such perjury; that by counsel's aforementioned actions and tactics, they conducted themselves improperly as officers of the court and in violation of the canon of ethics.

The motion for a new trial was denied on June 8, 1964, and on the same date petitioner was sentenced to the maximum penalty of ten years on each count of the indictment, both terms ordered to be served concurrently, in the custody of the United States Attorney General. Thereupon, petitioner signed papers electing not to begin serving his sentence pending outcome of appeal from conviction. He was remanded to the custody of the United States Marshal and returned to the El Paso County Jail.

On or about June 14, 1964, petitioner was taken to the hospital ward of the United States Correctional Institution, La Tuna, New Mexico, by ambulance. Petitioner desires to discuss this event in some detail if and when he is granted a hearing on this petition.

A day or so later, while still confined at La Tuna, counsel (Mr. Calamia) visited petitioner, and, in the presence of Mr. Jack Graves, Deputy U.S. Marshal of El Paso, advised him he would be transferred to St. Elizabeth's Hospital in Washington, D.C., if he would sign papers electing to begin serving his sentence; that if he did so, he would not be returned to the El Paso County Jail nor would he be sent to a penitentiary or any prison until ~~and~~ and unless his conviction was affirmed on appeal. Petitioner then signed the aforementioned papers.

The following day counsel revisited petitioner, and, again, in the presence of Mr. Graves, stated that the arrangements to have him transferred to St. Elizabeth's Hospital had "fallen through," but that if petitioner would sign another set of papers electing to begin serving his sentence pending outcome of appeal, he would be transferred to the U.S. Public Health Service Hospital at Fort Worth, Texas. Counsel repeated, upon query by petitioner, that if he did so, he would not be sent to a penitentiary or any prison until and unless his conviction was affirmed on appeal. Petitioner thereupon signed the aforementioned papers.

EIGHTEENTH SPECIFIC ALLEGATION: That petitioner, after conviction at his first trial on the merits, finally signed papers electing to begin serving his sentence pending outcome of appeal, only because he had been advised by counsel that if he did so he would not be sent to a penitentiary or any prison until and unless his conviction was affirmed on appeal; that counsel gave such advice knowing it to be misleading, unworthy, and false; that such action by counsel constituted a usurpation and encroachment on petitioner's rights under the law existing at that time.

On June 19, 1964, petitioner was transported by automobile to the U.S. Public Health Service Hospital, Fort Worth, Texas, a hospital and place of confinement reserved primarily for narcotics-law offenders, where he was incarcerated for thirty-three days.

NINETEENTH SPECIFIC ALLEGATION: That while confined at the aforesaid institution, petitioner was subjected to questioning, involuntarily, about the offense for which he stood convicted, the defense raised at his trial, his true defense against the crime charged, and matters relating to his appeal from conviction then being prepared; that when petitioner refused to answer some of the questions put to him, he was subjected to duress in that he was told if he did not cooperate in answering all questions he would most likely be sent to a penitentiary.

On July 22, 1964, petitioner was transported by automobile to the United States Penitentiary, Leavenworth, Kansas, where he remained incarcerated until February 15, 1966.

TWENTIETH SPECIFIC ALLEGATION: That while confined at the aforesaid institution, petitioner, a federal prisoner then awaiting outcome of appeal from conviction, was subjected to questioning in the prison hospital during the months of July and August 1964 and November and December 1964 about the crime for which he stood convicted, the defense raised at his trial, his true defense against the crime charged, and matters relating to his appeal from conviction, military service and political views; that he was subjected to such questioning involuntarily and against his will; that when petitioner refused to answer any and all of the questions aforesaid, he was subjected to coercion, duress and cruel and unusual punishments; that on one occasion he was stripped naked and made to lie and sleep on a tile floor for ten days, without just cause; that during such period he was purposefully exposed to view of prison homosexuals and subjected to their ridicule; that during such period he was never permitted to wash any part of his body or perform other necessities of personal hygiene; that during such period his toilet was flushed once a day and he was never provided with any toilet paper; that during such period he was asked every day if he was ready to talk; that during such period he was not furnished an adequate supply of water to drink; that subsequent to the aforesaid ten day period, he was removed from the prison hospital and placed in solitary confinement in Building # 63 at the penitentiary; that later, in December 1964, petitioner was asked the same questions again, and again he refused to answer them; that as a result he was forcibly administered a dangerous drug, without medical examination beforehand; that such drug was administered until his physical condition commanded it be stopped; that as a direct result of the administration of such drug, petitioner's life, mental health, and physical well-being was placed in jeopardy; that petitioner's letters to his counsel and a physician-consultant to the Walter Reed Army Institute of Research, complaining in the aforesaid regard, were destroyed in petitioner's presence by Mr. Charles E. Harris, an associate warden of the penitentiary; that as a result of the punishments referenced, and solely because of such punishments, petitioner "cooperated" in answering some of the questions put to him; that as a consequence of answering certain questions pertaining to his mental status, petitioner revealed evidence which was later used against him at his second trial on the merits; that by the foregoing, in part and as a whole, petitioner was compelled to be a witness against himself at such trial.

P Petitioner's appeal from his first conviction was filed on November 2, 1964 in the United States Court of Appeals for the Fifth Circuit, New Orleans. It was heard at Houston, Texas, on December 2, 1965, and, by the appellate court's opinion dated January 4, 1966, petitioner's first conviction was reversed with instructions that a new trial be granted.

Seven grounds were raised in support of reversal by court-appointed counsel. Six of them were "Confidently rejected." The seventh ground, contending that a new trial should have been granted on account of crucial evidence newly discovered (that of "serious organic brain damage"), was sustained.

The court's opinion held that such evidence "was unknown to the trial judge or defense attorneys until after the trial." It held that such evidence was concealed by petitioner "as the result of a damaged brain and diseased mind." The opinion also stated: "The former valiant soldier who had sustained wounds on three occasions in defense of his Country had become so completely altered that he announced himself in open court to be a Communist. He had made one serious effort to kill himself by a shot in the left chest."

TWENTY-FIRST SPECIFIC ALLEGATION: That despite petitioner's continuous and repeated requests to counsel, and offers to pay costs for the same, he was never before or after filing of the appeal, furnished or permitted to see a copy of the appeal brief submitted in his behalf; that the appellate court's opinion vividly indicates such brief was pervaded with a conglomeration of truths, half-truths and outright falsities; that they were known to be such by counsel; that petitioner's own coerced, perjured testimony at the hearing on the motion for a new trial, and Mr. Ballis' perjured testimony at such hearing, was heavily relied upon by the appellate court in formulating its opinion; that had other evidence crucial to petitioner's rightful defense not been withheld or suppressed at his trial or at the hearing on the motion for a new trial, it would have been made available to the appellate court via the sentencing court's record; that had the truth been raised even after petitioner's first conviction, the appellate court may very well have reversed his conviction without remanding him for another trial; that by the foregoing the appellate court's reversal of his first conviction merely paved the way for petitioner's second conviction and ~~his~~ present detention.

On February 15, 1966, petitioner was released from Leavenworth Penitentiary and returned to the El Paso County Jail.

On February 25, 1966, petitioner mailed a letter to the court requesting relief of court-appointed counsel and permission to act as his own counsel at all future legal proceedings, until he could make arrangements to retain qualified counsel to represent him. He received no answer from the court.

On February 28, 1966, counsel (Mr. Calamia) visited petitioner at the jail and stated he was making arrangements to have petitioner committed to a Veterans Hospital, that if petitioner would agree to a voluntary commitment the government would dismiss the charges pending against him. Petitioner replied he would agree to this if he could receive assurance the charges would be dropped after the commitment.

On March 1, 1966, Mr. Calamia, accompanied by a Mr. Escobar, another El Paso Attorney, who identified himself verbally as being a representative of the Veterans Administration in El Paso, visited petitioner. The substance of this interview was that both counsel and Mr. Escobar attempted to persuade petitioner to agree to a voluntary commitment to a V.A. hospital in lieu of standing trial again. Petitioner advised he would submit to no commitment "with charges hanging over my head."

On March 2, 1966, petitioner, as a precaution, wrote and mailed another letter to the court requesting relief of counsel and permission to act in his own behalf at any future legal proceeding, until he could make ~~arrangements~~ arrangements to retain counsel of his own choosing. He received no answer from the court.

On March 7, March 8, and March 14, 1966, counsel visited petitioner, attempting to persuade him to submit to a commitment to a V.A. hospital. Mr. Calamia stated that the government would not dismiss the charges against petitioner until after he was committed, and petitioner refused to agree to a commitment unless he received some assurance "besides your word" that the charges ~~would~~ would indeed be dismissed after he did so.

On March 16, 1966, petitioner wrote and mailed a rather lengthy letter to the court which pertained to his situation and complaints and what can best be described as a "deal" offered to him by the government via court-appointed counsel, and petitioner's response thereto. He received no answer from the court.

On March 18, 1966, Mr. Jack Graves, Deputy U.S. Marshal, visited petitioner and attempted to persuade him to submit to a commitment to a V.A. hospital in lieu of standing trial. Petitioner, not receiving any valid assurance that the charges would be dismissed after such commitment, refused to agree to do so.

On March 28, 1966, Mr. Tony Enriquez, Deputy U.S. Marshal, attempted for over one hour to persuade petitioner to submit to a voluntary commitment to a V.A. hospital in lieu of standing trial. Petitioner, not receiving any valid assurance that the charges would be dismissed after such commitment, refused to agree to do so.

On April 4, 1966, petitioner wrote and mailed a letter to Mr. Harry L. Hudspeth, Assistant United States Attorney at El Paso, advising him that counsel's further representation of him (petitioner) was without his authorization, and also mentioning that his reply to the government's proposal relayed by counsel was contained in his letter to the court dated March 16, 1966.

The following day petitioner received an answer from Mr. Hudspeth, dated also on April 4, 1966, which advised that relief of counsel was a matter for the court to decide upon.

On April 7, 1966, three months after the appellate court's reversal of petitioner's conviction, a hearing was held in which the court again ordered petitioner committed to the U.S. Medical Center for Federal Prisoners for a period of psychiatric observation to determine his mental competency to stand trial. At this hearing petitioner brought up the subject of his three letters to the court requesting relief of appointed counsel. When the presiding judge stated he had not received petitioner's letters dated February 25, 1966 and March 2, 1966, petitioner produced carbon copies of these letters and gave them to the court. Petitioner stated that his sister was in the process of making arrangements for him to be represented by qualified counsel, retained at her ~~own~~ expense; that she had already talked to an attorney concerning such representation.

Thereupon, the judge, the Honorable Dorwin W. Suttle, instructed that any attorneys retained by petitioner or his sister would have to act under the supervision of court-appointed counsel.

It was after these instructions that the court ordered petitioner's aforementioned commitment. Both counsel were present. When asked by the court if he had any comment to make, Mr. Calamia replied that under the circumstances he had no comment to make. Mr. Rallis also stated he had no comment to make. The Assistant U.S. Attorney, either Mr. Jaime Boyd or Mr. Harry L. Hudspeth, also stated he had no comment to make when queried by the court. Petitioner then asked the court if he could say something in his own behalf. The judge replied, "This court doesn't want to hear anything you have to say, Mr. Nagell," or words similar and to that effect. Thereupon, petitioner became angry and stated, "This is a mockery of justice," at which time the court ordered the Deputy U.S. Marshal to escort petitioner from the courtroom.

HELD ON APRIL 7, 1966,

TWENTY-SECOND SPECIFIC ALLEGATION: That petitioner was not allowed to be present during a closed hearing at which matters bearing on his defense, case and custody were discussed by the aforementioned judge, the Assistant United States Attorneys, and court-appointed counsel; that in the light of the circumstances alleged thus far, petitioner should have been permitted attendance at such hearing; that at the hearing which was held in open court, petitioner was denied the inherent and lawful right to speak in his own behalf, notwithstanding counsel's refusal to speak for him; that

the foregoing was a usurpation of petitioner's right // to question and protest action which would continue his detention and bar him from a speedy trial, in that petitioner was not earlier, then, or ever later found to be mentally incompetent or incapable of acting or assisting in his own defense; that the foregoing constituted an abolition of petitioner's right to seek relief from the very court which had the responsibility of protecting that right; that the court's commitment, on its // other motion, was effected in the // face of then recent documentary evidence furnished the court by competent medical authority that petitioner was mentally competent to stand trial; that by all of the foregoing, and by evidence which will be produced at any hearing on this petition, petitioner's safeguards under the law were flagrantly abused and he was, as a result, denied a speedy trial.

TWENTY-THIRD SPECIFIC ALLEGATION: That the court's instructions issued on April 7, 1966, ordering that any attorney retained by petitioner or his sister would have to act under the supervision of court-appointed counsel, was unlawful; that such instructions had the ultimate effect of preventing petitioner and his relatives from finding qualified and effective counsel who would accept his case under those conditions; that the attorney originally contemplated for retention by petitioner through his relatives was and is a lawyer in good standing with the State Bar of Texas, admitted to practice law before the federal bench of the sentencing court; that retaining of such counsel would have been at the expense of petitioner's relatives; that the court's instructions denied petitioner the right to effective legal representation then and ever later, at his second trial in the merits, on appeal therefrom, and continuing to the present time.

On April 9, 1966, the date petitioner was to be transported to the U. S. Medical Center for Federal Prisoners, he barricaded himself in his jail cell and refused to come out. He threatened to kill himself if anyone attempted to // force their way in.

On April 18, 1966, petitioner came out of his cell at the instance of Mr. Jesse Dobbs, Chief United States Marshal for the Western District of Texas. Petitioner alleges certain promises were made to him by Mr. Dobbs, in the name of the judge of the sentencing court, which were not kept.

On April 19, 1966, Mr. Dobbs, in the presence of Deputy U.S. Marshal Jim Johnson, stated substantially the following to petitioner: That he had just finished talking to Judge Suttle, who he said was a longtime friend of his, and the judge had told him to tell petitioner that if he would cooperate with the doctors at Springfield, and submit to all of the examinations they requested of him, and that if it was determined by them that petitioner was not mentally competent at the time of the alleged offense, either he would not be brought to trial, or, if the evidence dictated he should stand trial, he would not be convicted. Mr. Dobbs inferred that the judge would direct a verdict of acquittal under these circumstances. He added that if petitioner was found to be mentally competent at the time of the alleged offense, and if he was convicted, that petitioner would not be sent to prison, because, as Mr. Dobbs expressed it, "he doesn't feel you belong in prison." Mr. Dobbs blatantly inferred petitioner would be placed on probation if convicted.

On the same day, April 19, 1966, counsel (Mr. Calamia) visited petitioner and requested that petitioner cooperate "fully" with the medical authorities at Springfield. Petitioner then remarked to counsel that there was a danger of "your newly discovered evidence vanishing into thin air" if examination at Springfield failed to disclose the existence of brain damage. Whereupon, counsel stated that it was wrong for petitioner to be placed in a spot where the government could "search our evidence," but that there was nothing he could do about it.

On April 22, 1966, petitioner entered the U. S. Medical Center for Federal Prisoners for the second time, where he remained until July 9, 1966. Initially, petitioner refused to undergo any examinations requested of him by the medical authorities at Springfield. In a letter to counsel, Mr. Calamia, he mentioned the tests and examinations the doctors wanted him to take. He referenced the element of organic brain damage, and that any findings in regard thereto would automatically be furnished the United States Attorney (the prosecution). Petitioner wrote that this would constitute a search by the government of evidence raised by the defense. He indicated, for reasons well known to counsel, that he did not feel he could safely take the tests under these conditions. The ~~fact~~ emphasis and explanation petitioner put on this would only add to what must necessarily be a lengthy supporting memorandum. Petitioner also informed the Chief Psychiatrist at the Medical Center of his reasons for not wanting to submit to the examinations, and that he knew they would reveal negligible, if any, brain damage.

Shortly thereafter, petitioner received a letter from counsel which stated that if he did not cooperate with the doctors and take all of the examinations they requested of him, the court could issue an order that he remain there until he did.

Thereupon, petitioner agreed to undergo all examinations requested of him by the medical authorities, including an EEG test, Skull X-Rays, and a series of psychological tests.

TWENTY-FOURTH SPECIFIC ALLEGATIONS That petitioner cooperated in taking a series of psychological tests and an electroencephalographic (EEG) test and Skull X-Rays out of fear that the court would order him to remain at the U. S. Medical Center for Federal Prisoners until he did; that such fear was based on the contents of the aforesaid letter received from counsel; that counsel's letter was patently intimidating and coercive; that as the result of submitting to the aforesaid series of psychological tests and the EEG test, no evidence of brain damage was discovered; that such finding was included in a report of psychiatric examination, a copy of which was furnished the United States Attorney prosecuting petitioner's case; that such finding was used as evidence by the prosecution against petitioner at his second trial on the merits; that such evidence was instrumental in dissipating the so-called "newly discovered evidence" raised by the defense as ~~the~~ a crucial issue at the second trial on the merits; that the dissipation of such evidence was a decisive factor in procuring the conviction of petitioner at said trial; that by the foregoing, in part and as a whole, petitioner was compelled to be a witness against himself at his second trial on the merits.

On or about July 9, 1966, petitioner departed the U. S. Medical Center for Federal Prisoners. He was returned to El Paso via a circuitous route, and with some delay. While enroute, and on a stopover at the Bexar County Jail, San Antonio, Texas, he was attacked, struck in the head, and injured without provocation or just cause by Mr. R. F. Caballero, a uniformed deputy sheriff of the Bexar County Sheriff's Department, on duty in the jail. The attack took place on July 11, 1966, and was witnessed by a number of persons not herein identified; later, his injuries were examined by a number of persons not herein identified. Petitioner, after the assault and battery, aforesaid, was then taken to a room out of view of witnesses and threatened and assaulted and manhandled by Mr. M.S. Trump, a deputy sheriff of the Bexar County Sheriff's Department, then wearing civilian clothes. Petitioner was thereafter, on the same date, placed in solitary confinement. He was refused medical examination or treatment. Later, the same day, he was visited by Acting Chief Deputy ~~W.A. H.~~ U.S. Marshal Jack Graves who ordered petitioner be removed to the jail's hospital ward after petitioner complained of the swelling on his forehead and told him what had

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through. Mr. Blaine tells pattern to take it easy, that "we're doing now

he was being denied a speedy trial. He stated that "some hell or high water" he was going to stand trial even if he had "to rot in jail," and that "the truth is going to come out." He told counsel he intended to oppose any attempt by the State of Texas to step into the case and commit him to a state hospital, and that his sister would hire an attorney specifically for that purpose. Whereupon, Mr. Calamia became angry and stated that the court's order of April 7, 1966, was still in effect and that he would not allow another attorney to oppose the commitment.

On July 22, 1966, petitioner was visited by counsel, Mr. Calamia, and two F.B.I. agents, Mr. Richard H. Pickens and Mr. Robert D. Alaglen. Later in the day, petitioner gave these agents a signed statement concerning the incidents at the Bexar County Jail and the names of the persons involved, including the names of some (but not all) witnesses. On advice of Mr. Pickens, no reference to Mr. Dotke or his committee to petitioner were made in the statement. Petitioner was ~~assured~~ assured that if his claims proved true, the U.S. Attorney would take appropriate action, because there had been other complaints about the treatment of prisoners "in that jail." Mr. Pickens said that the matter would be investigated by the San Antonio Office of the F.B.I. Petitioner was never apprised of the results, if any, of the investigation, nor was he ever questioned further on the matter.

On July 24, 1966, Mr. Joseph P. Hornisher, a psychiatrist employed part-time by El Paso County, visited petitioner and attempted to persuade him to sign a statement showing that he would voluntarily agree to a civil commitment to a Texas state hospital. Petitioner refused to talk to Mr. Hornisher outside of the presence of witnesses, and he refused to sign the proposed statement. Whereupon, Mr. Hornisher stood in the presence of El Paso County Sheriff Joe Barrow and other persons not herein identified, "you don't think you're going to beat this rap, do you?" or

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On August 8, 1966, political news to the United States Department

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 C. Smith, after several months, still he did not want to know "what
 and upon retirement from an Captain C. Smith's office. Whichever, Captain

On August 11, 1966, removal, removal, again with petition

it was mailed.

On August 9, 1966, petitioner was told by a judge that counsel, Mr. Gallic, wanted to speak to him. Petitioner was taken to an interview room where both Mr. Gallic and Mr. Coleman were waiting. ^{Petitioner} He informed Mr. Coleman that he had nothing to discuss with him and that he did not care to listen to anything he might have to say to petitioner. Whereupon, Mr. Gallic asked petitioner to sit down, which he did reluctantly. Mr. Coleman did most of the talking. The substance of what he said was the same as what he stated on August 1, August 2, and August 4, 1966, although he was less rancorous and demanding. Petitioner remained silent in waiting a trial and in requesting a change of venue.

TWENTY-FIFTH SPECIFIC ALLEGATION: That the Report of Psychiatric Staff Examination dated June 13, 1966 and the Report of Psychiatric Examination dated June 17, 1966, rendered on petitioner at the U. S. Medical Center for Federal Prisons, and copies thereof which were submitted to the sentencing court and furnished the United States Attorney at El Paso and court-appointed counsel, contained the following excerpts (transcribed verbatim):

- (1) "The findings support an adjudication of competence to stand trial."
- (2) "Although competency at the time of the alleged crime has not been requested (competence asked), an opinion will also be offered in this regard."
- (3) "With reference to the question of mental competency at the time of the alleged crime, the patient is judged to have been not mentally competent at the time of the alleged crime. This opinion was arrived at using the criteria for criminal responsibility that is used by the U. S. District Court for the Western District of Texas, El Paso Division."

(4) "The patient is judged to be competent to stand trial. He knows what he is accused of and can account for his movements and he knows that the court views the act as a crime no matter what his own view may be. He further knows in some realistic measure the kind of trouble he can get into if found guilty, and, finally, it is felt that he can cooperate with and assist counsel within reasonable limits (emphasis added). His examiner is aware of Nagel's history of failure to cooperate in the past. However, the type of cooperation that he has displayed during his present hospitalization at the U. S. Medical Center resolves any doubt & may have led on this score."

(5) "The electroencephalographic reports indicated that it was within limits of normal variation."

(6) "Psychological testing failed to show any evidence of an active psychotic process or show any evidence of an impairment suggestive of a cortical brain damage."

(7) "I can point out that on the basis of my examination and my laboratory findings including an EEG and psychological testing that I did not find any evidence of finding suggestive of brain damage."

(8) "The final paragraph of the psychological report states that little or nothing would be gained for society or for Nagel by continued incarceration in a penal institution."

(9) "RECOMMENDATIONS: As indicated above, Nagel displays some manifestations of a personality pattern disturbance which, if he is to be rehabilitated and achieve some degree of adjustment in life, would seem to indicate some type of out-patient psychiatric treatment such as long-term psychoanalytic therapy (emphasis added)."

23.

TWENTY-FIFTH SPECIFIC ALLEGATION (CONTINUED): That the foregoing excerpts listed as (1), (4) and (9) should be considered when evaluating the attempts by the government and court-appointed counsel to have petitioner committed to a state mental institution in lieu of standing trial; that excerpts (2) and (3) should be considered specifically in the light of the sentencing judge's purported promise to petitioner, as alleged to petitioner on April 19, 1966, by Chief U.S. Marshal Jesse Kallis; that excerpts (5), (6) and (7) should be considered when weighing all allegations herein pertaining to the "brain damage" issue; that excerpt (8) should be considered in the light of petitioner's sentence to the maximum penalty of ten years, his incarceration in Leavenworth Penitentiary, and his continued denial of parole.

TWENTY-SIXTH SPECIFIC ALLEGATION: That on July 29, 1966, the government, in collusion with court-appointed counsel, and for wrongful purposes, made a motion before the sentencing court to dismiss the charges pending against petitioner and have him committed by Texas state authorities to a Texas state mental institution in lieu of standing trial; that such action by the government was instituted in the face of the recognition of a then recent psychiatric report submitted on petitioner which supported a psychiatric determination of his competency to stand trial and ~~submitted~~ ^{continued} an expert medical opinion of six psychiatrists that he was mentally competent to stand trial; that such action by the government was for the ^{sole} purpose of barring petitioner from testifying at his trial and for impugning testimony he might give in the future regarding the government's ^{entire} veracity of evidence as to his rightful defense and ~~preventing~~ a conspiracy to murder a former Chief Executive of the United States; that when the government's motion was denied on July 29, 1966, petitioner came to be intimidated and coerced by his court-appointed

On August 17, 1964, Mr. Gilman
 said that the party was not going to wait any longer for the party to change
 his mind, that the time was called for September 19, 1964, and that he would
 even be able to have the party "accept commitment" in a 1964 party.
 He said he would have the party's name "strongly" and "of the world" respect
 in the opinion of many. Gilman mentioned the achievement of many events
 would expect support of the new committee. Mr. Gilman said that the
 possibility he would have an opportunity of the world when the party that
 was generally known. Gilman replied that a general test is to see if
 would not respect, that he would expect the party's participation of such a
 likelihood, of the world's support, would expect not to give the party
 respect of the world. He said that he would enjoy giving the party
 name at the time of the world's support. Gilman mentioned that would
 attempt to have the Springfield party's support, which is the achievement of
 would not expect that he did not think he would get them interested,
 "because the government will expect" Gilman asked why the government would
 expect to "be more interested" being about the party. Gilman said he would not
 offer to give "participation to party," that he was "be coming and might
 being open before" on world's number and to the party. Gilman mentioned
 that he would expect to party and that he was about going to see that the
 would come out. He said he was about going to party about the "newly named"
 he said he had been giving for the party. Gilman, would have interest
 and one that of participation would be "strongly" the party would have "the
 he (the party) would stop the trial and work participation that is Springfield.
 likelihood, participation would enjoy and the would that he was thinking that

Full.

to provide as my doing in this position, position was sent to my
 and other, although given to the same, and by which it will be
 that February 17, 1966, sent by the special and the special on the
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TWENTY-EIGHTH SPECIFIC ALLEGATION; the special on the special on the special on

at least a matter of quality.

The group was changed on September 23, 1966, and from my side it

that that system is not a total sent by sent on the special on
 consent by a government action as in the special on the special on the special on
 not able from the matter of the special on the special on the special on
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 pattern which that is the name of "communities" and especially approved by
 name and name did not deny (many in the name of the special on the special on
 with me and for all; for it is, the special on the special on the special on
 name was not to the name and should have been agreed on the special on the special on
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 subject, the special on the special on the special on the special on the special on
 report of the special on the special on the special on the special on the special on
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at the second trial in the matter, full accounts in the books in which petitions
 were alleged to have entered to commit or bring; that no substantial inquiry was
 conducted into the matter by the presiding judge when the question of the party's
 trial in the matter of the petition of the party; that even petitioners who had
 committed offenses, committed appeal or objection, and that the petitioners
 sit on the jury, nor did he question the party's trial in the matter of
 the party at all in the matter, nor did he allow any questioning or other
 challenge to be made against the party; that although almost every
 question should be asked about petitioners' case from various sources, and
 despite the fact that petitioners alleged petitioners were not full and complete
 throughout to have and receive, within the presiding judge was committed
 removal conducted any inquiry of the party's trial in the matter of the party
 to ascertain whether such alleged petitioners would influence the jury to
 render a just verdict; that by the foregoing, in part or in whole, and by
 the evidence and testimony which will be presented at any hearing on the petition,
 there exists discrimination in the selection of the jury at petitioners' second trial
 in the matter.

THIRTIETH SPECIFIC ALLEGATION: That through intimidation and coercion
 by said respondent counsel and their not known associates, petitioners
 failed to accept, accept, or state by the absence of immunity or mental
 incompetency at the second trial in the matter; that such absence was contrary and
 payment to the facts and circumstances with respect to the facts in the matter
 that by the foregoing, in part or in whole, petitioners were deprived of a fair
 and impartial trial.

THIRTY-FIRST SPECIFIC ALLEGATION: That through intimidation and coercion by court-appointed counsel and others not herein identified, and only as a result of such intimidation and coercion, petitioner did not testify at his second trial on the merits; that evidence fundamental, vital, and crucial to petitioner's rightful defense against the crime alleged was withheld and/or suppressed, against petitioner's will, by the Federal Bureau of Investigation, another agency of the United States Government not herein identified, and court-appointed counsel before and at his second trial on the merits; that by the foregoing, in part or as a whole, petitioner was precluded from seeing the truth in his cause, and was deprived of a fair and impartial trial.

THIRTY-SECOND SPECIFIC ALLEGATION: That through intimidation of by court-appointed counsel and through coercion of others not herein identified, and only because of such intimidation and coercion, petitioner did not ask the court before his second trial on the merits to subpoena certain witnesses and records crucial to his rightful defense against the crime alleged; that by the foregoing, in part or as a whole, petitioner was denied the right to subpoena witnesses and records in his favor.

THIRTY-THIRD SPECIFIC ALLEGATION: That false and misleading testimony was admitted into evidence by the court at the instance of court-appointed counsel; that counsel knew then, before, and ever later that such testimony was untrue; that false and misleading documentation was admitted into evidence by the court at the instance of court-appointed counsel; that counsel knew then, before, and ever later that such documentation was misleading and not representative of what the documents purported to depict; that counsel's actions in requesting the court to admit the aforementioned into evidence were predicated on ^{his} false and misleading testimony.

defense of insanity or mental incompetency; that petitioner himself explained to counsel and another person not herein identified, before the second trial on the merits, that the aforesaid documentation was spurious and misleading and what its contents actually represented; that petitioner told counsel and another person not herein identified, before the second trial on the merits, that under no circumstances or for any reason did he want the aforesaid documentation introduced into evidence; that by the foregoing, in part, petitioner's right to have false and misleading documentation from the eyes of the jury was usurped by court-appointed counsel.

THIRTY-FOURTH SPECIFIC ALLEGATION: That a prosecution witness, El Paso Police Officer James Brandon, perjured himself when testifying for the government at the second trial on the merits when he stated "I saw photographs of restricted military installations" in petitioner's belongings at the time of his arrest; that the prosecution and Mr. Brandon knew such testimony to be false; that such testimony was highly inflammatory and unduly prejudicial to petitioner; that counsel made no objection whatsoever to the introduction of such testimony; that counsel offered no substantial content to dispute or refute such testimony on direct or cross-examination; that counsel did in fact emphasize this perjured testimony ^{to the jury} during his whole content on cross-examination; that petitioner himself could have disputed such testimony when he was permitted to testify; that an F.B.I. agent present in the federal building could have refuted such testimony had he been called as a witness; that another person not herein identified who was present in the courtroom could have refuted such testimony; that another person available nearby who could have refuted such testimony and who was willing to take the stand in petitioner's behalf, was not called as a witness despite petitioner's insistence to counsel that he be so called; that by the foregoing, coupled with the manner that petitioner was a communist, the prejudicial issue of "espionage"

were sneaked into the trial by the government without challenge or serious contest by the defense, and left hanging in an already contaminated atmosphere.

THIRTY-FIFTH SPECIFIC ALLEGATION: That court-appointed counsel, by propounding a calumnious and leading question on direct ^{of a witness,} examination, raised an issue which neither added to nor detracted from the defense of insanity; that such question was not objected to by the government; that such question and issue raised was stressed in the trial record and was brought forth by counsel for the express purpose of impugning testimony and discrediting allegations petitioner might conceivably voice in the future; that petitioner wanted to object to such question and issue raised ^{as being} ~~per se~~ irrelevant, and untrue; that petitioner wanted to object to other questions and issues raised ^{with the defense and} by the government as being improperly propounded and immaterial; that before the trial, counsel had warned petitioner of his himself, objected to any testimony, questions, or issues raised by either side, the judge would stop the trial and "recommit you to Springfield"; that out of fear of this happening, petitioner voiced no objections whatsoever throughout the trial; that during the trial and recesses, court-appointed counsel refused to confer with petitioner or heed his protests about the conduct of the trial; that by the foregoing, in part or as a whole, petitioner was denied the lawful right to seek advice from the court and challenge or protest any and all evidence presented at his trial, and was thus deprived of a fair trial.

The day following his conviction, September 27, 1966, petitioner was taken to the court for sentencing. Both counsel were present. The judge, the Honorable Courwin W. Suttle, indicated that a pre-sentencing inquiry was unnecessary; that he had read the probation report submitted on petitioner subsequent to his

37.

these areas, notwithstanding prior and current records in his possession which would supply him with any data he would concerning petitioner's case history. Petitioner was asked many other questions unrelated to his case and custody, such as, "Where did you know Lee Harvey Oswald?" and "Why is the Social Service interested in you?" Petitioner refused to answer questions of this nature. Finally, Mr. Volkmer told petitioner "We are sending you to Springfield for treatment."

The same day petitioner complained to the Associate Warden for Custody, Mr. Charles E. Harris, that he was being asked questions by Mr. Volkmer which he did not feel he was required to answer, that he had told Mr. Volkmer he would answer no more questions, and that Mr. Volkmer had told him he was going to be sent to Springfield for treatment. Petitioner said that if he was to be returned to Springfield, he might as well be put over in "Building 63." Whereupon, petitioner was placed on "lockdown-status" in C-Cellhouse. Two signs reading "Off Limits" were situated on each side of his cell. For the rest of the time he spent in Leavenworth, no inmates were permitted to converse with him, not even he allowed to talk to other inmates. He was subjected to numerous "shakelanes" and other unwarranted petty harassments, and accompanied by a guard whenever he went to the mess hall.

On December ^{12,} 1966, petitioner wrote a letter to Mr. John Ross of the Civil Rights Division, U.S. Department of Justice, mentioning that he was a prisoner on appeal, and complaining of his questioning by Mr. Volkmer and that contemplated transfer to the U.S. Medical Center for Federal Prisons, ^{and} that he had been subjected to "Special Treatment" there in 1964. He received no answer from the Department of Justice. However, on ~~December 21, 1966~~, ^{January 5, 1967,} or soon

Thereafter, she received an answer to his letter from the Bureau of Prisons, which advised that since his case was on appeal, "you will not be subject to punishment because you did not work the hours at in those circumstances." His letter also stated that the matter of his transfer to the Medical Center for Federal Prisons at Springfield was "not one which is open to appeal."

On December 21, 1966, Mr. Horne, AWC, asked petitioner if he would like to be taken off Lockup-Status and go to work in the Library the following Thursday. Petitioner replied that he would. Whereupon, Mr. Horne stated petitioner would be taken off Lockup-Status "this evening!" But petitioner remained on Lockup-Status until February 2, 1967, without any explanation, or even hearing from Mr. Horne again. On that date he was transported to the U.S. Medical Center for Federal Prisons for the third time in three years. The day after he departed Leavenworth, Mr. Volkmann told petitioner that actually he was being sent to Springfield in preparation for release on parole, that if petitioner would cooperate in answering questions he would probably be "cut loose in a couple of months!"

Several days after entering the U.S. Medical Center for Federal Prisons, which petitioner alleges is in every sense of the phrase a maximum security penal institution (regardless of what else it may represent), he was moved to a maximum security ward, where he is presently housed. During any and all periods of confinement at this institution, petitioner has never been given medication ~~or~~ or undergone any semblance of "treatment," nor has he ever been in need of either.

On February 7, 1967, the Chief of the Neuropsychiatric Service, was

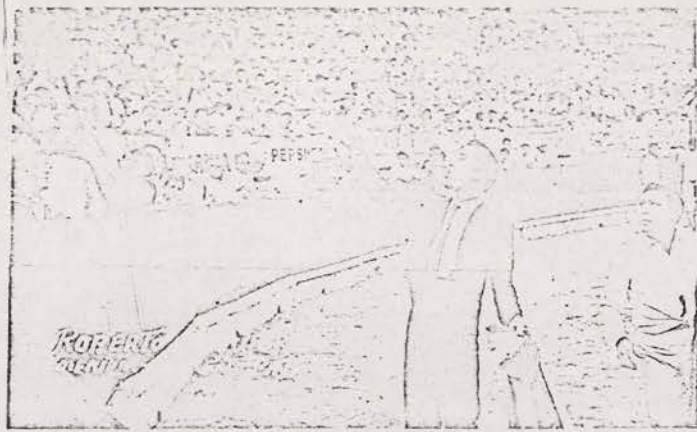
46.

Joseph F. Albright, who is assigned as petitioner's doctor, told him it was "not clear" why he had been returned to Springfield. Petitioner advised he had not been interviewed by the prison psychiatrist at Leavenworth, Dr. H. Wayne Hlotfeldt, prior to his transfer, notwithstanding that he had asked an MTA, Mr. Whisker, on two occasions in February 1967 to tell Dr. Hlotfeldt that he wanted to speak with him about his pending transfer to Springfield. Mr. Whisker had informed petitioner he had relayed his message to Dr. Hlotfeldt.

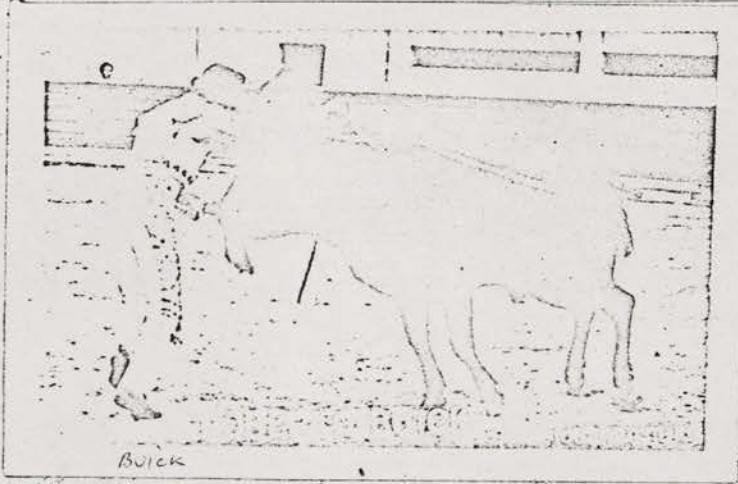
On February 9, 1967, or during the succeeding week, petitioner was told by the Director of the U.S. Medical Center for Federal Prisons, Dr. Pasquale J. Accione, in reply to his query as to why he had been sent back to Springfield, that "We don't rightly know."

Petitioner alleges that a recent psychiatric report submitted on him by the Chief Psychiatrist at Springfield, opines that psychiatric treatment "is not essential" to petitioner's "rehabilitation" or adjustment in life.

On April 19, 1967, petitioner received written notification, dated five days earlier, that his application for parole had been "continued for an Institutional Review hearing in January 1969." In 1965, while at Leavenworth, he had received the same type of notification but his parole eligibility date had been continued for consideration in October 1966. Petitioner cites that both his prior and current sentences were imposed pursuant to Section 4207 (a) (2), Title 18, United States Code, Annotated. He alleges that consideration for parole, or a lack thereof, or the refusal to grant him parole in the face of expert medical opinion that he should be granted parole, is and has been used as a device to persuade him to disclose evidence crucial to his right of



BUICK



BUICK



JAMES COBURN

BUICK

Copy

May 13, 1968

Mr. William W. Turner
925 Vernal Avenue
Mill Valley, California

Dear Bill:

How goes the campaign? Well, I hope.

I regret to say that before I got to Nagell (I was in Kansas City last week and hoped to interview him in Leavenworth), he was sprung (acquitted) on orders of Fifth Circuit Court of Appeals. His present whereabouts are unknown.

However, I believe that I sent you copies of certain letters he sent from jail which were more or less in code. I have now deciphered most of them and made some sense out of them and a copy is enclosed.

Assuming Nagell is sane and reasonably honest, his main points are:

- (1) Oswald was a patsy, lined up by Bravo Club (faking a pro-Castro cover to fool Oswald).
- (2) Oswald was given hypnotic treatment by Ferrie.
- (3) Oswald turned down ride from TSHD in a Bell Telephone truck driven by a Bravo member.
- (4) One Bravo member still living in the vicinity of Miami.

Some interesting names, allusions, tid-bits, etc., show up in Nagell's letters and it may be worth your attention.

Additionally, I have learned of a new theory which is not too far-fetched: JFK and Khrushchev had agreed to lessen tensions; Fidel was to be replaced and the U. S. was to resume relations with Cuba; Fidel got the word and got in the "first shot". I'm looking into this and will let you know if I find out anything.

-2-

Sent the pictures to a friend in Chicago who agreed to try to show to Sylvia. Doubt if he will be successful but who knows?

Also sent pictures to Bolden's lawyer.

Keep in touch.....

Sincerely,

Bud Fensterwald, Jr.

was, I learned, being held for "armed robbery." The first letter was a curious request that I, if questioned, be sure to attest to his "right-wing leanings;" and that I take into consideration that the events in "D" (Dallas) might have been a tragic blunder ("sometimes things go wrong"). The second letter was a request to mail out a series of letters (in the form of a prepared press release) to the Warren Commission, The L. A. Times, The N. Y. Times, and others, reporting that he had been overheard to say during his arraignment that "the FBI held full responsibility for Kennedy's assassination;" and that he was immediately led out of the court by "federal men."

The second letter began, as did the first, with the information that the return addresses on the envelopes were "phony" and to disregard them. The street names and numbers were identical, and the city was El Paso. In checking, true, they were fictitious: no such El Paso street. But there was such a street and number in Los Angeles. It was two doors away, I discovered, from Richard Nagell's mother's house.

I secured her phone number, called her (using an assumed name), pretended to be an old Army buddy who had accidentally met Richard a few months ago, and asked, "What the hell, anyway, was the meaning of the strange postcard I received from him from El Paso saying he was 'in trouble'?"

It took almost half an hour to assure her that I was what I said I was before she admitted that: 1) the FBI had told her not to talk to anyone; 2) they assured her "Richard was sick;" 3) she felt something was very wrong; and 4) Richard somehow "knew something" about the assassination. She would not tell me what he had been arrested for and convicted of; she would only say that I should go to the town from which the letters were mailed.

Two years ago my wife and a friend read all of the meagre correspondence between Richard and me, reviewed the facts, and burned the paperwork. In fine, we were scared. It would be silly of me not to be frightened even today. If you wish to talk to me, place an ad reading:

Don Morgan contact
Jim immediately

65-84590

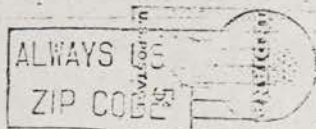
in The Berkeley Barb, 2421 Oregon St., Berkeley, California (a weekly newspaper). If not, good luck with your investigation, gentlemen; you will certainly need it.

Sincerely yours,

Don Morgan
Don Morgan (alias)

P. S. I do not know Nagell's whereabouts, except that he was convicted and was last reported in a Texas federal prison.

copies to: file
Ramparts
Mark Lane



~~St. Sup 777~~

+ (big typed)

4th. Memo in re type to L.A.
{ nothing of importance other than }
{ rest of page }

INSTRUCTIONS TO DELIVERING EMPLOYEE
 Show to whom and when delivered Show to whom, when, and address where delivered Deliver ONLY to addressee
(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

7/28/67

Edward H. Haskett
Edward H. Haskett

POST OFFICE DEPARTMENT
DIVISION OF BUSINESS

PERMIT 1007 NEW ORLEANS, LOUISIANA
EST. 1864 POST OFFICE 3547

POSTMARK OF
DELIVERING OFFICE

JY 28 8 AM

435-10-10-100-1

INSTRUCTIONS: Show name and address below and
complete instructions on other side, where applicable.
Insert contents of envelope, attach and hold flaps to back
of cover. Print on front of attach RETURN
RECEIPT REQUESTED.

POST

RETURN

TO

PS Form 3811, Oct. 1963

NAME OF SENDER

William R. Martin

STREET AND NO. OR P.O. BOX

111 Lowerline St.

POST OFFICE, STATE, AND ZIP CODE

New Orleans, La.

INSTRUCTIONS TO DELIVERING EMPLOYEE

Show to whom and when delivered
 Show to whom, when, and address where delivered
 Deliver ONLY to addressee
 (Additional charges required for these services)

RECEIPT

Received the numbered article described below.

| | |
|----------------------------------|---|
| REGISTERED NO. <i>102-100</i> | SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in) |
| CERTIFIED NO. | SIGNATURE OF ADDRESSEE'S AGENT, IF ANY |
| INSURED NO. | |
| DATE DELIVERED <i>1-1-61</i> | SHOW WHERE DELIVERED (only if requested) |



7-65-18-7151-8 GPO

| | | |
|---|---|---|
| PS Form 3851 Oct 1951 42-1-1-111-6 | POST OFFICE DEPARTMENT OFFICIAL BUSINESS | PENALTY FOR FAILURE TO POST TO AVOID FORFEITURE OF CONTENTS, 50c |
| | POSTMARK OF DELIVERING OFFICE | |
| INSTRUCTIONS: Show name and address below and complete return address on other side, where applicable. Marked postage on % marks and hold firmly to back. RECIPIENT REQUESTS: | | |
| NAME OF SENDER | | RETURN TO |
| <i>William R. Martin</i> | | |
| STREET AND NO., OR P.O. BOX | | |
| <i>411 Lexington St.</i> | | |
| POST OFFICE, STATE, AND ZIP CODE | | |
| <i>New Orleans, La.</i> | | |

M E M O R A N D U M

April 18, 1967

TO: Jim Garrison, District Attorney

FROM: William R. Martin, Assistant District Attorney

SUBJECT: Richard Case Nagell, Federal Prisoner No. PMB-A-16606-H
Medical Center for Federal Prisoners, Springfield, Mo.

On Monday morning April 10, 1967 at 7:30 A.M. I departed New Orleans for Springfield, Missouri on board Delta Flight 836. The purpose of this trip was to interview the subject identified above who had offered himself as an informant to this office. Upon arrival in Springfield at 11:17 A.M. I retained yellow cab number 9 and was driven directly to the Federal Center. There I was advised by the guard at the main entrance to the building that he would have to obtain the permission of the classification and parole officer assigned to the subject before I would be allowed visiting privileges. The guard requested that I fill out a "visitors form" and he then took my completed form and the subject's record jacket elsewhere in the building out of my sight and returned at about ten or fifteen minutes and stated that I would be allowed to visit the subject during regular visiting hours from 1 to 3:00 P.M. By this time it was 12:20 P.M. so I elected to have yellow cab number 9 wait for me.

At five minutes to one P.M. I was ushered, along with several other visitors, into a very large and informal waiting room where we were asked to await the arrival of the person whom we had come to visit.

NOTE: Contrary to what I had been told to expect, I was not personally searched nor was my briefcase searched prior to being allowed in to visit the subject. For future reference it should also be noted that the inmates or prisoners of this Federal Medical Center are not allowed to write in any manner or to sign their names to any documents or papers during a visit

MEMORANDUM

April 18, 1967

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without the prior consent of their classification officer. All material written or signed by the inmate is censored by the prison officials and there exists no privileged communication between lawyer and client at this institution unless special arrangements have been made for a private interview by the inmate himself. The visitor is free to write his own notes during the visit with the inmate and may hand the notes and other documents or papers to the inmate for the inmate to read and this is done without supervision or censorship but, in no case may the prisoner write or sign his name or deliver a document to the visitor without the aforementioned prior approval.

The following interview with the subject, Richard Case Nagell, took place over a two day period and a total of four hours of standard visiting hours. The interviews with the subject were made without taking notes since the presence of a note pad and a pencil seem to make the subject nervous and reluctant to speak freely.

The subject was brought into the visiting room promptly at 1:00 P.M. on April 10, 1967 and was brought to my area of the room by the guard supervising the general visiting area.

This visiting area is a large room arranged in an informal manner with many individual clusters of chairs each drawn up to a low table in the center of the cluster of chairs. The visitors face the inmate from their chairs which are drawn up on the opposite side of the small table from the inmate and, I observed that in no case were the visitors allowed to sit side by side with the inmate.

After shaking hands with the subject we both took seats on opposite sides of the table and the subject opened the conversation immediately by saying that he was sorry that he had caused me to make this long trip from New Orleans for no purpose at all. He stated that he had given the matter much thought and that he had decided that it would be useless and not in his own best interests for him to confide in this office or to turn over any

material or evidence to us. He stated that he was worried about recent events and was at this point afraid to confide in anyone. He elaborated that he had become very suspicious of just about everyone and was extremely upset by the way "things were being handled". Further prompted, the subject stated that he had asked his sister to contact Mr. Garrison personally and had given her explicit instructions as to how he had wanted this contact to be established. He said that his sister had gone about things in exactly the wrong way and that she and her husband were trying to play "amateur detective" and that all they were going to succeed in doing would be to get him in even deeper than he was and to stir up more pressure and more trouble. He stated that recently his brother-in-law had visited him in Springfield and had attempted to "interrogate" him very closely about this case and other matters in his past but that he (the subject) had decided to trust absolutely no one and that he would simply let his case and everything pertaining to it remain in the status quo.

At this point it seemed patently unwise to question the subject or to push him in any manner and our conversation was permitted to drift into other unimportant and miscellaneous channels.

The subject was quite interested and willing to reveal to me certain things about himself and about the depth and complexity of his own case and of his past personal life. He stated to me that he had been "a very bad boy for a very long time" and that no one knew of this since he had never discussed his personal beliefs or his personal activities with anyone and had always concealed his activities with a good cover or front. He stated that he had been involved in certain activities which could get him in a tremendous amount of trouble if the activities became known and that he would probably wind up spending the rest of his life in prison if anyone ever discovered exactly, and could prove exactly, what he had been up to. He stated to me that he had been a Marxist-Leninist for many years and that he had no particular love or loyalty to the United States and was not interested in helping it.

United States or any of our Government functions, nor was he interested in helping this office with our investigation, for any reason, or out of any motive, whatsoever except insofar as he thought it might be a benefit to him personally and that if he ever did decide to help this office in any manner it would only be because he decided that it would help "this number one boy" (at this point the subject pointed to himself).

The subject became intensely curious about our investigation and, as our conversation progressed, he stated that he was pleased to see that I was willing to bring him up to date on our investigation insofar as the non-confidential aspects were concerned and he stated that he was certain that, at this stage of the game, we too had our hands full with amateur sleuths who were coming out of the woodwork. Our discussion continued along this general pattern until I mentioned to the subject that he really should not be ^{too} disturbed or upset by the conduct or amateurish approach of his sister and brother-in-law since, after all, it was the best that could be expected of anyone who was not accustomed to this sort of thing and that they certainly could not be expected to behave as professionals.

At this point the subject stated that this was precisely the professionalism he was looking for when he had asked that he be contacted by Mr. Garrison. He stated that he had kept account of our progress as best he could through his limited access to newspapers and that he admired Mr. Garrison for his willingness to undertake this investigation and expose the truth regardless of where it may lead. The subject stated that he had seen Mr. Garrison on television, or had perhaps read ⁱⁿ a newspaper, Mr. Garrison's statement that "let justice be done though the heavens crumble" and that he (the subject) had been very much impressed with this statement and had hoped to be able to assist Mr. Garrison and, in so doing, ultimately assist himself and benefit his own position.

At this point I assured the subject that any information or material he released to Mr. Garrison's office would be handled with the strictest confidence and that it would receive the most competent and professional treatment that the office could make available. With no further encouragement the subject began to discuss the Kennedy assassination and his own relationship to it.

He stated that there had actually been three separate plots to assassinate President Kennedy. The first was a plan to kill President Kennedy by bombing (a concealed bomb in the speaker's platform or the speaker's podium) on the occasion of December or January of 1962 when the President traveled to Miami, Florida to address the group of Cuban prisoners who had taken part in the Bay of Pigs invasion and who had just been released and returned to the States. A second and similar plan to kill the President was to have taken place in June of 1963 when the President had traveled to Los Angeles for an important speaking engagement. The subject stated that the first and second plots (above mentioned) had never really become serious and that the plans never did reach more than just the talking stage. The third and final plot, which did in fact end with the assassination of President Kennedy, was an offshoot of the other two plans and was planned and put into effect by the same group of people.

The subject stated that these plots to kill President Kennedy had each involved several men, some of them Cubans, and that all three plots had been based along the same thinking and logic.

At this point the subject asked me if I was aware of the fact that the Cuban refugees in the United States had formed and organized a great number of movements, organizations, groups, and societies all of which were, in one way or another, dedicated to the overthrow of Fidel Castro. Most of these organizations of Cubans are either formal or semi-formal organizations with elected Presidents and officers and go under a variety of names, such as "Alpha 66", "Jure", "Cuban Revolutionary Democratic Front", etc.

The subject made it expressly clear at that time that none of these organizations, acting as organizations, planned to assassinate, or in fact assassinated, President Kennedy. Rather, he stated, that the Cubans who took an active part in the assassination acted as individuals and that they did not all belong to one organization or even to two organizations, even though they had all come together and become known to each other because of these organizations.

At this point the subject became rather nervous and seemed to be reluctant to continue his description of what had taken place in connection with the Kennedy assassination. He asked a variety of questions concerning the theories on which Mr. Garrison had been working and whether or not we had received or had been offered any cooperation by the Central Intelligence Agency or the Federal Bureau of Investigation. I assured the subject that insofar as the Kennedy assassination was concerned, that this office was working entirely independently of any other organization and that we did not believe that the FBI or the CIA could be inclined to offer us any assistance. This statement seemed to relax the subject a bit because, as he said, the information he was about to give me, or could give me, was not such that it would enhance the public image of either the FBI or the CIA.

At this time the guard in the visitors room at the Medical Center for Federal Prisoners announced that visiting hours were over and the subject and I were forced to take very rapid leave of each other. Prior to departing the subject asked me if I could possibly stay in town and return during the next visiting hours and I assured him that I had no intention of leaving town until after he had told me everything he had to say. This concluded my first interview with the subject, Richard Case Nagell at 3:00 P.M. on April 10, 1967.

Upon leaving the visiting area of the Medical Center I asked to speak to the prison social director Mr. Matthews and to the classification and parole officer in charge of the subject's case. Neither of these gentlemen were available to speak to me and I was asked to return later in the afternoon to see them and I was also asked to leave a message as to the nature of the business I had with them. I left word that I wished to make arrangements for a privileged attorney-client interview with the subject since I had not been satisfied with our meeting in a public meeting room. For the rest of the day and during the morning of the next day both of these men successfully avoided and evaded my attempts to see them in their offices.

On Tuesday morning at 8:30 A.M. I returned to the Medical Center for Federal Prisoners and continued my interview with the subject, Richard Case Nagell. Without preliminaries Mr. Nagell continued our conversation exactly where it had been interrupted the day before by asking me what theory Mr. Garrison was working on as regards the assassination of President Kennedy. The subject apologized to me for having to ask me to explain our theory or theories and explained himself by saying that he was very much concerned lest we involve him by accident in more trouble with the FBI or the CIA. The subject said that he could not afford, at this point, more trouble with either of these organizations and that he had to make absolutely certain that our approach to the investigation of the assassination was not such that, with the information that he could give us, would lead him, in his own words, into more hot water.

At this time I presented to the subject the following possibility:

That early in the Castro regime in Cuba, various efforts were made by patriotic and anti-communist cubans, to overthrow and/or to assassinate Fidel Castro. That these efforts included small guerrilla raids launched from the Florida Keys, small attempts to land weapons and explosives in Cuba for use by the anti-Castro

Cubans, and efforts on the part of many refugee Cubans in the United States to form large organizations to collect money and weapons and to train forces for an invasion of Cuba to overthrow and/or assassinate Fidel Castro. That much of this anti-Castro work was encouraged, sponsored and financed by the Central Intelligence Agency and that for all practical purposes these miscellaneous efforts on the part of the Cubans and the CIA had been totally useless. Adding insult to injury, the Bay of Pigs invasion, an acknowledged CIA operation, was a total disaster when the Kennedy administration decided at the last minute that they could not afford, publicly, to lend our support to the Bay of Pigs Invasion in the form of Air Support and invading troops which had been promised to the Cuban invaders. That during the long imprisonment of the Cuban troops of the Bay of Pigs Invasion, the entire invasion operation-CIA involvement was publicly investigated and openly criticized, and that the Kennedy administration had stated as their final excuse, that world opinion and the opinion of the American public was insufficiently aroused to justify an armed invasion by the United States of the Island of Cuba. That this rationale so inflamed many of the Cuban refugees that a group of individual Cubans along with a few United States citizens decided to take matters into their own hands and to perform an act so violent and outlandish in itself, that it would instantly arouse United States and world opinion to such an extreme pitch that an armed invasion by the United States, with United States military forces, would be then justified on the Island of Cuba. This single act, designed to inflame world opinion, was the assassination of President Kennedy. That this assassination was planned originally in such a manner that the assassins and/or their fall guy would be able to take immediate refuge in Cuba and that this, in addition to other evidence which was intended to come to light, would make the assassination look as though it had been designed, planned and executed under the orders of the Fidel Castro regime in Cuba. This, the involvement of Fidel Castro in the assassination of President

Kennedy, would then justify an immediate invasion of Cuba by the United States military forces.

Throughout my explanation of the above possibility the subject had followed my words with extreme interest and had nodded his head vigorously on occasion. He now stated "that is absolutely right", as a general picture, but of course there are some fine points here and there that you have not covered". He went on to say that we were obviously aware of many of these fine points, or we would not know as much as we already obviously did. He also stated that the evidence which he wanted to give to Mr. Garrison was of such a nature as to "wrap up and put a seal on" the entire investigation.

In discussing the evidence that he wished to turn over to Mr. Garrison the subject went into some minor detail as to how he came to possess the evidence. The subject stated that for a long time he, as a Marxist-Leninist, had worked "for the other side" and had worked under the specific control of the Soviet Embassy in Mexico City. In this connection, the subject stated that he had done a variety of work assigned to him out of the Soviet Embassy in Mexico City and that he had been briefed by a member of that Embassy as to the Miami and Los Angeles plots to assassinate President Kennedy. As to the assassination in Dallas the subject stated that his only connection was to function as a watchdog for the Soviet Embassy and to inform them of exactly what was taking place and of what progress was being made on a day to day basis. The subject was able, in some manner which he did not disclose, to infiltrate the assassination plot and, for a reason of his own which he did not disclose, the subject was able to make a tape recording of four voices in conversation concerning the plot which ended in the assassination of President Kennedy. It is precisely this tape recording which the subject has decided to turn over to Mr. Garrison as soon as he possibly can.

Concerning the content of the tape recording in question, the subject stated that it was a tape recording made of a conversation of four individuals and that the tape was primarily in Spanish although on certain occasions in the tape certain of the participants lapsed into English. When questioned as to the identity of the persons speaking on the tape the subject stated openly that one of them was "Arcacha" and another individual whom the subject would only identify ^{AS} as "Q". The subject did not wish to go into more detail concerning the tape at that time since he, all during our previous conversations, had indicated that our conversation could possibly be bugged.

As to the method of our obtaining the tape recording, the subject advised as follows:

The tape in question, along with a variety of other tape recordings, papers and other items highly incriminating to the subject, are in a box or small trunk which the subject left in the safekeeping and care of an intimate ^{and} / trusted friend. An arrangement was made between the subject and this friend that under no circumstances was this box or trunk or any of its contents to be released to any person whatsoever, other than the subject, unless the friend were to be approached by a person bearing a handwritten letter in the handwriting of the subject, which letter would have to be signed by the subject in a certain secret manner. If anyone were to approach the friend and attempt to obtain the box or any of its contents without first having obtained this letter signed in a secret manner, then, in that case, the friend had instructions to destroy ^{that} anything and everything/had been left in his safekeeping by the subject.

Mr. Nagell then indicated to me that he was willing to whisper to me the name, address and telephone number of the friend with whom he had left this evidence but prior to doing so the subject asked me to pledge my word that the name, address and telephone number of the individual would not be written down in this report. He indicated that he was aware of the possibility that

this report, or copies of this report, could conceivably leave this office and fall into the hands of the FBI or the CIA. The subject indicated that if this should happen, he was sure that the FBI would charge in on his friend, kick in his front door, and harass him into turning over all of the aforementioned material. He stated that "this material is my whole future" and indicated that he had to be particularly careful of how it was handled. This being the case, the name, address and telephone number of the subject's friend does not appear in this report but has been turned over to Mr. Garrison for use at his discretion.

The subject and I then entered into a lengthy discussion as to how the letter in question directed to his friend could be placed into my hands; bearing in mind the fact that the subject was not able to deliver to me anything in writing and that all of his outgoing written material was very closely censored. It was resolved that there were two possibilities:

1. That the subject would immediately request of the prison officials at the Medical Center that he be granted privileged attorney-client interviews with me and that if this request were granted he would then be able to smuggle this letter to me.

2. The subject stated that he was scheduled to be sent back to Leavenworth Federal Penitentiary within a few days and since privileged communications at Leavenworth were much easier to come by than in the Medical Center, he would be able to hand me the letter in question if I were to visit him at Leavenworth.

The subject asked that I return to Springfield within a few days to attempt to see him under privileged circumstances since in his own words, "time is of the essence". If this effort is unsuccessful then a second effort will be made when the subject is transferred to Leavenworth.

IMPRESSIONS AND OPINIONS: The subject, Richard Case Nagell, is an extremely articulate and well spoken individual who seems to have full command of his senses and total recall of his

activities and constantly mentions dates, times and places that pertain to matters concerning this investigation. He is of the opinion that he will be forced to complete his full ten year prison sentence, of which six years remain, unless he offers to cooperate with the FBI. It is his impression that this cooperation would mean the release to the FBI of all of the material incident to his association with the Soviet Embassy in Moscow and he is not willing to do this. Mr. Nagell stated to me that in six years from now (i.e. when he is released from prison), he will then be forced to make a final decision of either leaving this country (United States) forever or remaining in this country in good standing forever. It is his opinion that everything will depend on how the aforementioned box or trunk containing his possessions is handled. I received the impression that Mr. Nagell does not really care, one way or the other, whether he leaves this country or not in six years since he feels that it is possible for him to live in peace either in the United States or in the Soviet Union depending on the circumstances at that time. Although Mr. Nagell stated to me that he felt no particular loyalty to the United States and had worked with the Soviet Union as a matter of principle and personal convictions, he also stated to me that the release of his tape recording to Mr. Garrison was his first step in seeing what he could do to "square himself" with this country.

At this point the guard in the visiting area announced the end of visiting hours and the subject and I parted with my promise to return to Springfield within a few days to attempt to see him under privileged visiting conditions.

At approximately 11:00 A.M. on Tuesday April 11, 1967 I returned to my room in the Candlelight Motel in Springfield and made arrangements to travel to Kansas City for the purpose of meeting with Mr. Lawrence Loftus, an attorney practicing in the

State of Kansas with offices in the Hedrick Land Title Corp¹¹² in
Olathe, Kansas.

Pioneer Air Taxi Service from Springfield to Kansas City, Kansas departed Springfield Airport at 3:30 P.M. that date and arrived Kansas City, Kansas at 4:30 P.M. I boarded this flight and was met at the Kansas City Airport by Mr. Loftus.

Throughout the following day, Wednesday, April 12, 1967, I remained with Mr. Loftus in his^{law} offices reviewing the procedural aspects of the handling of prisoners in both Leavenworth Federal Penitentiary and the Medical Center for Federal Prisoners in Springfield. Mr. Loftus, who has had a good deal of experience with inmates at Leavenworth, is of the opinion that there will be no difficulty in obtaining privileged communications with the subject once he is transferred to Leavenworth. He also stated that privileged communications should be able to be obtained in Springfield Medical Center but only at the request of the prisoner. This was basically the same information which had been obtained in Springfield and was confirmed by my research of this date. At 8:15 P.M. I departed Kansas City on 12th of April 1967 to return to New Orleans on Braniff Flight 241.

Every effort will be exerted to obtain the letter in question from the subject and, subsequently, to obtain the tape recording referred to by Mr. Nagell.

IVAN

Record Form No. 6
(July, 1955)

UNITED STATES DEPARTMENT OF JUSTICE
BUREAU OF PRISONS

SENTENCE NOTICE TO INMATES

UNITED STATES PENITENTIARY
MCNEIL ISLAND, WASHINGTON

(Place)

June 9th, 1967

To BUICK, Robert Clayton No. A-32243-M

According to commitment papers in your case you were
sentenced December 9th, 1966, to a term
of 20 years months days.

Fine \$ Committed Not Committed

Costs \$ Committed Not Committed

You were received at this institution 5-13-67

Your sentence begins 12-9-66

You are eligible for parole Set by US Board of Parole

Your "good conduct" term expires 9-18-70

Your full term expires 4-8-86

Good time allowed 2400 days.

Allowed 244 days Jail Time.

J. Wayne
J. WAYNE Record Clerk
FPI-LK-3-3-63-42-1855

BOX NO. 1000
STEILACOOM, WASHINGTON 98388
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
F.B.P.

TO Richard von KHEIST
P.O. Box 322
UPLAND, CALIFORNIA 91786

Richard von Kleist

(Copied verbatim as dictated)

Hotel Luna, Mexico City, July 1963

Parties included in plot were Alex Hydell, otherwise known as Lee Harvey Oswald; a female attorney who is well known Communist in Los Angeles (blond, about 35 years age at that time); hotel headwaiter, Fritzy, first name unknown, who owned a launch believed to be shuttling between Mexico and Cuba. Also believed to be involved - Warren Brogie, hotel chain manager; and Richard Case Nagell, former Captain, U.S. Army, associated with Counter Intelligence in Japan in 1959. Barbara Warren was involved with Alex Hydell and Brogie at the time scheme was planned.

Spelling?

*later changed
names*

*all Rice
visited*

Correct

Nagell sent letter to J. Edgar Hoover warning him of plot against Kennedy and naming Alex Hydell as one of the assassins. Hydell was not known to Nagell as Lee Harvey Oswald.

The copy of the letter Richard Case Nagell wrote to J. Edgar Hoover on August 13, 1963, informing him of Oswald's plan to kill Kennedy is being held by Nagell's sister, Eleanor Gambert, 82-25 Grand Ave., Long Island, N. Y. * The letter contains information about Oswald, who was named and referred to as Alex Hydell, and advises Hoover that Kennedy would definitely be killed.

*address etc.
82-25
4-17-68*

*Lawrence R. Gambert
82-25 Grand Ave.
Elmhurst, Long Island, N.Y.*

The history of Richard Case Nagell is important. While a member of Counter Intelligence in Tokyo, he was dealing with a Soviet attache officer stationed with Russian Embassy in Tokyo at that time. He was approached several times and was

said to have dealt with said Russian officer as to vital information (classified).

A year or so later Nagell, while working for California Alcohol Beverage Control, was shot through the right chest when involved with a Los Angeles police officer because of Communistic implications. He survived gunshot wound and took off to Mexico or Cuba in launch owned by Fritzy of the Hotel Luna. All of this is and was known by J. Edgar Hoover and FBI.

Nagell was later arrested in El Paso for bank robbery after discharging a firearm in an El Paso bank. He was in Leavenworth Federal Prison for 2½ years and was later brought to El Paso for an appeal. Appeal was denied. From there he was sent to Springfield, Missouri (Federal Prison) and is believed to still be there-(Now listed as mental patient?)

Further information coming on Barbara Warren and a Dr. Fujiyama.

ESTADIO IGNACIO ZARAGOZA
CHETUMAL, Q. R.

Dom. 15 de Septiembre de 1963 - A las 4 p. m.

Grandiosa Corrida de Toros

Con asistencia del Sr. Gobernador

A la hora anunciada, previo permiso de la H. Autoridad que
presida y si el tiempo no lo impide se lidiarán a muerte
a la usanza española

Hermosos y Breves Toros de la Ganadería de

5 DON ROMEO PADRON 5

Que lucirán los colores de su divisa

Actuación especial de los famosos matadores de toros

Luis Briones

El de Seda y Oro

Diálogo en México con

El Sensacional

BENJAMIN

López Esqueda

Torciendo un Novillo el Torero Norteamericano

Roberto Buick

Los Matadores saldrán acompañados de sus respectivas cuadrillas de Pica-
dores y Bandilereros de la U. M. de P. B.

Camisador de Suertes, Juez y Médico de Plaza los que designe la H.
Autoridad

PRECIOS DE ENTRADA:

| | |
|-----------------------------------|----------|
| Sombra Barrera 1a. Fila | \$ 50.00 |
| " " 2a. Fila | 40.00 |
| " " 3a. Fila | 30.00 |

Sombra Gral. \$ 25.00 Sol Gral. \$ 15.00

Niños Media Paga

NOTAS: Por ser ganadería de cartel no habrá toros de reserva
Una vez muerto el primer toro si se suspende la corrida por
causa de fuerza mayor no se devolverá el importe de las
entradas y demás notas que figen en esta plaza.

IGNACIO ZARAGOZA STADIUM
CHETUMAL, Q. R.

Sunday September 15, 1963 - At 4 p. m.

A GREAT BULLFIGHT

The Governor will honor us with his

Special performance of the famous bullfighters

LUIS BRIONES

Graceful and Smooth

and

The Sensational

BENJAMIN

LOPEZ ESQUEDA

also the American bullfighter

ROBERTO BUICK

Fighting beautiful brave bulls from

5 Don Romeo Padrón 5

ADMISSION PRICES:

Reserved Seats

| | |
|--------------------|------------------|
| 1st Row | \$ 50.00 (pesos) |
| 2nd Row | 40.00 " |
| 3rd. Row | 30.00 " |

Shady Side \$ 25.00 (pesos) Sunny Side \$ 15.00 (pesos)

Children half price

VON KLEIST

LETTER FROM ROBERT CLAYTON BUICK

May 9, 1967

Dear Ric:

Received your letter dated May 4. My first impulse of course, was to answer it before any sudden move in environment takes place. Gladys and I are now on a day to day communicative thing with the United States Government as to the aforementioned subject. The move could come tomorrow, in a week or in a month. As to the change, we are at the whims and commands of Big Brother, with very little to say about the subject. We can only request; diplomatically yet. Of course, I am completely prepared for any possibility, whim and caprice of the mighty one.

As to my desires for the entering into the commercial field of excelling myself in print, this will undoubtedly have to be postponed for a short period of time. For Big Brother frowns upon the free and flowing thoughts of the incarcerated political prisoner. He possesses arms to combat physical rebellion. He possesses force to prevent the rising of unity among the free thinkers. But he does not possess neither of the two to contest and combat the vivid truth, and because of this lack, he would never allow one such as I to commence in spreading the gospel (my kind of gospel) to the sheep who unknowingly graze upon the synthetic pasture of wisdom. He is knowingly aware that I would indeed lead them into the righteous pasture of wisdom. Once there he would beconstantly exposed to consistent explanation of which would not be to his particular liking.

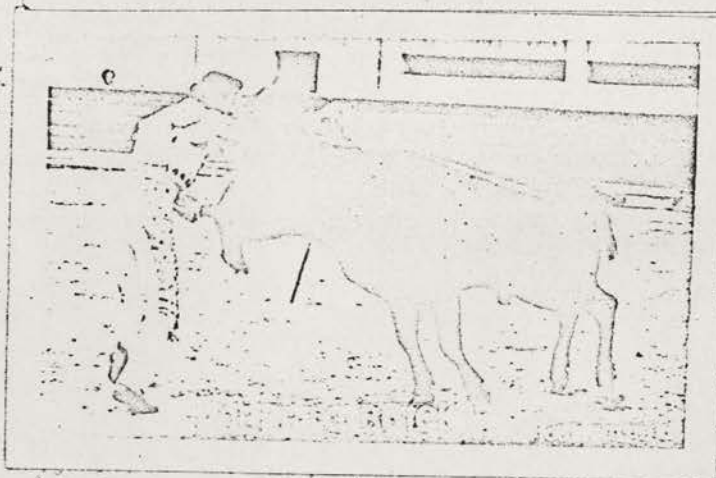
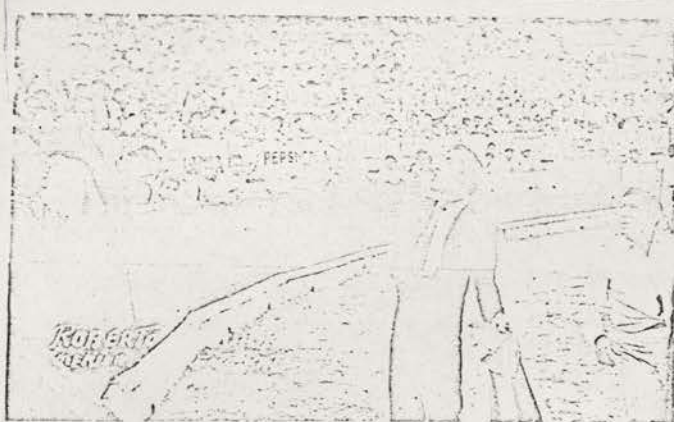
Then again, perhaps, this is really not the proper or secure thing to do. Sheep have a tendency to panic when the wolfpack is openly revealed to them. I often wonder if they are ready for such an exposure. History is deceiving, and the deception of history has always led them to what has seemed to them, the brightest and greenest pasture. It would be like telling a child on Christmas Eve that Santa Claus is a rat-fink and that no toys shall appear come the dawn. I really do not think they are really ready or will be ready to face reality for some time to come. Shall we allow the pasteled color of fantasy to continue and eventually descend into complete and frightening robotic existence, or begin to build the barrier against it.

At times I think of myself as being selfish, but also I begin to question as to what side of me is selfish. Is it selfish to remain the rebel and the fugitive, or is it selfish not to allow them to captivate all in fear that if they control all existence, they shall also swallow and devour my individualism. This has always been a difficult and interesting analysis of the present status. It is somewhat like the gigantic icebergs in the north and south poles. If one is to melt and destroy them too rapidly, then in the desolvment, the excessive cubic feet of water shall undoubtedly rise and rush over the land. If the iceberg is permitted to remain, then too, it shall eventually begin to cover the land. What is the lesser of the two evils Ric? Hellava hypothesis isn't it?

I shall of course keep in touch, however, and wherever possible, for I feel that we not only have the great possibility of doing great things, but eventually will accomplish great things.

Later,

R.



Dear William

Sorry, we can't print your ad without
the cash in advance. Rates are 50¢ per
line, 27 cents for 1st line, 30¢ for each
additional line. This is for 1 edition. Please
resubmit your ad with the payment. Barb

P.S.

will

send

new

rates

5m

BERKELEY 8490-PM
2886 TELEGRAPH AVENUE
BERKELEY, CALIFORNIA 94709
1969



Wm R. Martin
International Trade Mart
New Orleans, La. 70130
2700 Tulane Ave.
P.O. Box 100

April 17, 1964

Dear Eleanor,

Would you please keep the
enclosed copy of a letter for me in
a safe place.

I am sorry that I cannot explain
about such letters at this time.

Please acknowledge receipt of
this letter by writing in your next
letter, "Do you have access to a
typewriter in jail."

Thank you - Dick

This will complete your file to date
on Richard Case Nagell,

No copies have been distributed.

Bill Martin

Draft

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KANSAS

Civil Action No. _____

RICHARD CASE NASELL, A-83286-L,)
Petitioner,)
VS.)
WARDEN, U.S. PENITENTIARY,)
LEAVENWORTH, KANSAS, and)
UNITED STATES ATTORNEY GENERAL,)
et al,)
Respondents.)

PETITION FOR WRIT
OF HABEAS CORPUS.

COMES the petitioner, a prisoner in custody of the United States Attorney General, who, by his own counsel, would respectfully allege and show that the conviction and sentence pursuant to which he is being detained was imposed in violation of the FOURTH AMENDMENT, the Due Process clause and the Self-Incrimination provisions of the FIFTH AMENDMENT, and the SIXTH AMENDMENT to the United States Constitution.

The facts and circumstances showing these constitutional violations, and all pertinent data required by the United States District Court, Eastern District of Kansas, to consider this petition are set forth as follows and in the Supporting Memorandum attached hereto:

1. Petitioner is presently detained at the U.S. Penitentiary, Leavenworth, Kansas.
2. Sentence was imposed by the United States District Court, Western District of Texas, El Paso Division, at El Paso Texas.
3. The indictment number upon which the offense for which sentence was imposed is unknown. Petitioner was indicted in January 1964 (exact date unknown) for having entered a federally insured bank with intent to rob and of attempting to commit robbery in violation of Section 2113 (a), Title 18, U.S.C.A. At his second trial on the merits, pursuant to which current sentence was imposed, the government elected to try petitioner on one count only of the indictment, that of "intent."

4. Current sentence was imposed on September 27, 1966. Petitioner was sentenced to the maximum penalty of two years in the custody of the United States Attorney General under the provisions of Section 4208 (a) (2), Title 18, U.S.C.A.

5. A finding of guilty was made after a plea of not guilty.

6. The finding of guilty was made by a jury.

7. Initial judgment of conviction at the first trial on the merits was appealed to the United States Court of Appeals for the Fifth Circuit, New Orleans, Louisiana (Criminal Action No. 21620), and reversed on January 4, 1966, with instructions that a new trial be granted. Purportedly, the current judgment of conviction is being appealed to the same court, but petitioner has not been apprised of any additional information with regard thereto.

8. The grounds on which petitioner bases his allegations that he is being held in custody unlawfully are set forth below:

(a) Suppression and withholding of evidence (see FIRST, THIRD, FIFTH, SIXTH, SEVENTH, ELEVENTH, FOURTEENTH, SIXTEENTH, TWENTY-FIRST, ^{AND} THIRTY-SECOND SPECIFIC ALLEGATION, attached Supporting Memorandum).

(b) Unreasonable seizure and confiscation of private property - debase evidence (see SIXTH SPECIFIC ALLEGATION, attached Supporting Memorandum).

(c) Denial of the effective assistance of court-appointed counsel (see FIRST, SECOND, THIRD, FOURTH, FIFTH, SIXTH, SEVENTH, NINTH, ELEVENTH, TWELFTH, FOURTEENTH, FIFTEENTH, SIXTEENTH, SEVENTEENTH, EIGHTEENTH, TWENTY-FIRST, TWENTY-SECOND, TWENTY-FOURTH, TWENTY-SIXTH, TWENTY-SEVENTH, TWENTY-EIGHTH, TWENTY-NINTH, THIRTIETH, THIRTY-FIRST, THIRTY-SECOND, THIRTY-THIRD, THIRTY-FOUR, ^{AND} THIRTY-FIFTH SPECIFIC ALLEGATION, ^{and related General Allegations,} attached Supporting Memorandum).

(d) Denial of the right to be represented and given unobstructed assistance by qualified and effective counsel (see TWENTY-THIRD SPECIFIC ALLEGATION and related General Allegations, attached Supporting Memorandum).

(e) Denial of the right to seek a change of venue (see TWENTY-SEVENTH SPECIFIC ALLEGATION and related General Allegations, attached Supporting Memorandum).

(f) Denial of the right to subpoena and obtain witnesses and evidence in favor of petitioner (see FIRST, SECOND, THIRD, FIFTH, SIXTH, SEVENTH, TENTH, ELEVENTH, SIXTEENTH, THIRTIETH, THIRTY-SECOND, ^{and} THIRTY-FOURTH SPECIFIC ALLEGATION, attached Supporting Memorandum).

(g) Denial of a speedy trial (see ^{TWENTY-SECOND,} TWENTY-SIXTH and TWENTY-EIGHTH SPECIFIC ALLEGATION and related General Allegations, attached Supporting Memorandum).

(h) Discrimination in the selection of the jury (see TWENTY-NINTH SPECIFIC ALLEGATION, attached Supporting Memorandum).

(i) Intimidation and coercion of petitioner (see SECOND, THIRTEENTH, FOURTEENTH, SEVENTEENTH, EIGHTEENTH, NINETEENTH, TWENTIETH, TWENTY-FOURTH, TWENTY-SIXTH, THIRTIETH, THIRTY-FIRST, THIRTY-SECOND and THIRTY-FIFTH SPECIFIC ALLEGATION and related General Allegations, attached Supporting Memorandum).

(j) Denial of the right to testify (see ^{FOURTEENTH, ~~and~~ and} THIRTIETH, THIRTY-FIRST SPECIFIC ALLEGATION and related General Allegations, attached Supporting Memorandum).

(k) The knowing use of perjured testimony and false and misleading evidence (see SIXTEENTH, SEVENTEENTH, TWENTY-FIRST, THIRTY-THIRD, THIRTY-FOURTH AND THIRTY-FIFTH SPECIFIC ALLEGATION, attached Supporting Memorandum).

(l) Petitioner compelled to be a witness against himself (see TWENTIETH, TWENTY-FOURTH and TWENTY-FIFTH SPECIFIC ALLEGATION and related General Allegations, attached Supporting Memorandum).

(m) Denial of a fair and impartial trial (see TWENTY-SEVENTH, TWENTY-NINTH, THIRTIETH, THIRTY-FIRST, THIRTY-SECOND, ^{and} THIRTY-FOURTH, ^{AND THIRTY-FIFTH} SPECIFIC ALLEGATION, attached Supporting Memorandum).

(n) Deprivation of due process of law (see THIRTY-SIXTH SPECIFIC ALLEGATION, attached Supporting Memorandum).

9. The facts which support each of the grounds in 8 are represented after each item, and are set forth as specific ^{and general} allegations in the attached Supporting Memorandum in the same order.

10. Petitioner has not filed previous petitions for habeas corpus, motions under Section 2255, Title 28, U.S.C., or any other expletive, petitions or

of the motions with respect to this conviction.

11. Petitioner alleges remedy by motion to the sentencing court, or on appeal therefrom, would be inadequate and ineffective to that the legality of his detention is that:

(a) Sentencing court, through its order of April 7, 1966, has denied petitioner the lawful right to be represented and given unobstructed assistance by effective and qualified legal counsel; that such order is still in effect, was in effect ^{long} prior to and during the trial pursuant to which petitioner is currently convicted and sentenced, and was issued notwithstanding that such counsel was to have been retained by petitioner through his relatives and at their own expense; that such counsel was and is a lawyer in good standing with the State Bar of Texas, admitted to practice law before the federal bench of sentencing court (see TWENTY-SECOND and TWENTY-THIRD SPECIFIC ALLEGATIONS and preceding and subsequent general related general allegations, attached Supporting Memorandum).

(b) In consonance with the above, the sentencing court refuses to entertain any motion unless submitted by court-appointed counsel; that such court ^{refuses} to submit the type of motion to which petitioner is ^{lawfully} entitled to have submitted; that the sentencing court by its own ^{conduct} has well demonstrated it will not allow petitioner to seek redress or argue the merits of any cause in his own behalf, despite the fact he is not now, nor has he ever been, certified psychotic or insane by any medical authority, or adjudicated mentally incompetent in a court of law, or otherwise adjudged in a court of law to be incapable of acting or assisting in his own defense (see EIGHTH, ^{TWENTY-FIFTH} and TWENTY-SECOND SPECIFIC ALLEGATIONS and related general allegations, attached Supporting Memorandum).

(c) Sentencing court, by its instructions issued on April 29, 1964 and April 7, 1966, unlawfully coerced petitioner to accept, cooperate in, and abide by a defense which was then and ever later contrary and repugnant to the truth and inconsistent with and opposed to the facts in his case; that such defense was ineffective and inadequate and not only resulted in conviction of petitioner at both trials on the merits, but also caused a continuing lack of due process.

in the sentencing court and on appeal from to the appellate court; that through intimidation and coercion of court-appointed counsel and a lack of corrective process in the sentencing court, petitioner was then and ever later prevented from seeking remedy to the appellate court (see TWELFTH, THIRTEENTH, FOURTEENTH, TWENTY-FIRST, TWENTY-SECOND, TWENTY-THIRD, THIRTIETH, THIRTY-FIRST and THIRTY-FIFTH SPECIFIC ALLEGATIONS and related general allegations, attached Supporting Memorandum).

(d) The foregoing proviso having been considered, it is further alleged by the facts cited throughout the attached Supporting Memorandum that there exists an absence of corrective process in the sentencing court; that the circumstances prevailing in petitioner's case since before and after his current conviction surely depict failure of the sentencing court to protect his rights; and that by all of the foregoing, petitioner is and has been barred from seeking adequate and effective remedy to the appellate court, even if he were permitted to try.

12. The grounds or contentions set forth herein have been previously presented to this or any other federal court by way of petition for habeas corpus, motion under Section 2255, Title 28, United States Code, or any other petition, motion or application.

13. Petitioner was represented at his arraignments, pleas, trials and sentences by the following court-appointed attorneys:

(a) Mr. Joseph A. Coleman, Suite 1174 Southwest National Bank Building, El Paso, Texas, 79901.

(b) Mrs. June Colby, same address.

WHEREFORE, this petition considered in its entirety, petitioner respectfully moves and prays that this Honorable Court:

WILL, in due course, order petitioner to be produced before this court and permit him and other witnesses to testify and offer evidence substantiating his allegations.

WILL, since he is indigent, allow petitioner to proceed in this cause in forma pauperis (Affidavit of Poverty attached) and/or be represented by qualified and effective counsel of his own choosing, at no expense to the government.

WILL, in petitioner's behalf, cause to be issued subpoenas and subpoenas
duces tecum for witnesses, respondents and records to be described.

SO PETITIONER EVER WILL PRAY.

Richard C. Nagell
Signature of Petitioner

)
) SS
)

RICHARD CASE NAGELL, being first duly sworn under oath, presents that he has
subscribed to the foregoing petition and does state that the information therein is
true and correct to the best of his knowledge and belief.

Richard C. Nagell
Signature of Affiant

SUBSCRIBED and SWORN to
before me this 6th day
of June, 1967.
(Month) (Year)

William R. Martin

Notary Public
WILLIAM R. MARTIN
Notary Public, Parish of Orleans, State of La.
My Commission is issued for five

My commission expires _____
(Month, Day, Year)

FORMA PAUPERIS AFFIDAVIT

I, RICHARD CASE NAGELL, do hereby swear that because of my poverty I am unable to pay the costs of said suit or action; that I am unable to give security for the same, and that I believe I am entitled to the relief I seek in said suit or action.

Richard C. Nagell
Signature of Petitioner

)
) 55
)

RICHARD CASE NAGELL, being first sworn under oath, presents that he has subscribed to the above and does state that the information therein is true and correct to the best of his knowledge and belief.

Richard C. Nagell
Signature of Affiant

SUBSCRIBED and SWORN to
before me this 6th day
of January, 1967.
(Month) (year)

William R. Martin

Notary WILLIAM R. MARTIN
Notary Public, Parish of Orleans, State of LA.
My Commission is issued for 114.

My commission expires _____
(Month, Day, year)

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA

Mrs. Eleanore G. Gambert
8225 Grand Avenue
Elmhurst, Long Island
New York

11 September 1967

Dear Mrs. Gambert:

Enclosed you will find an original letter addressed to your brother, dated January 20, 1967, written on the stationary of the United States Senate and signed "DICK RUSSELL".

Said letter is one of the documents that your brother had asked me to forward to you with my mailing of 25 July 1967, but which, through my own oversight, I failed to include.

Most sincerely yours,



WRM/db

encl.

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA

Mrs. Eleanore G. Gambert
8225 Grand Avenue
Elmhurst, Long Island
New York

UNIVERSITY OF CALIFORNIA, SAN DIEGO

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SANTA BARBARA • SANTA CRUZ

DEPARTMENT OF PHILOSOPHY

LA JOLLA, CALIFORNIA 92037

September 15, 1967

Mr. William R. Martin
Counselor at Law
International Trade Mart
New Orleans, Louisiana 70113

Dear Bill:

Thanks for the news about our friend. I am not sure it
it will be possible for me to visit him, but I hope you
will keep me informed of what happens next at your end.
The last letter is, I'm afraid, a bit too cryptic for
me to tell what is going on at this point, but I think
we should keep all channels open.

I just made my try to run the ad in the Berkeley Barb.
I have a copy of the latest issue, and your ad isn't in
it. I asked them to run it for two weeks. We'll see
if anything happens this time. The paper has published
all summer.

In my files I am missing two crucial items: your report
of your ~~trip~~ visit in June, and the report of your trip
to California. If these reports have been completed, I
would very much appreciate having them.

Hope all is going well.

With best wishes,

Dick

Richard H. Popkin

RHP:b

UNIVERSITY OF CALIFORNIA, SAN DIEGO
DEPARTMENT OF PHILOSOPHY
LA JOLLA, CALIFORNIA 92038



PAR AVION VIA AIR MAIL CORRADO AEREO

Mr. William R. Martin
Counselor at Law
International Trade Mart
New Orleans, Louisiana 70113

*411 Lowerline St
70118*

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SANTA BARBARA • SANTA CRUZ

DEPARTMENT OF PHILOSOPHY

LA JOLLA, CALIFORNIA 92037

September 1, 1967

Mr. William R. Martin
Attorney at Law
Trade Mart Building
New Orleans, Louisiana

Dear Bill,

Did you get any response from the ad in The Berkeley Barb? Jim has asked me to follow through on the matter, so if "Don Morgan" writes, please let me know. Also, is the ad still running? If you get no response, I may try the ad again, and see if maybe "Morgan" was away for the summer.

Have you heard anything further from our friend? Arrangements are being made to see if I can visit him. So, if you have any late word, please let me know how matters now stand.

Also, I'd appreciate it if you could let me know the first name of the man you visited in Los Angeles.

Hope things are going well.

Best wishes,

A handwritten signature in cursive script, appearing to read "Rich", is written over the typed name.

Richard H. Popkin

RHP:b

UNIVERSITY OF CALIFORNIA, SAN DIEGO
DEPARTMENT OF PHILOSOPHY
LA JOLLA, CALIFORNIA 92038



HELP COPY
CYSTIC FIBROSIS

Mr. William R. Martin
Attorney at Law
Trade Mart Building
New Orleans, Louisiana

411 Louisiana, N.O.
70118

UNITED STATES DEPARTMENT OF JUSTICE
BUREAU OF PRISONS
MEDICAL CENTER FOR FEDERAL PRISONERS
SPRINGFIELD, MISSOURI 65802

April 28, 1967

Mr. William R. Martin
Counselor at Law
International Trade Mart
New Orleans, Louisiana

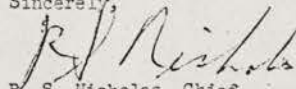
Re: NAGELL, Richard C.
Reg. No. A-16606-H

Dear Mr. Martin:

I regret that I must return your letter pertaining to Mr. Nagell in that he has refused to accept it. It appears that his reaction is completely out of proportion since he has also requested his caseworker to remove all persons on his official correspondence list except magazines and newspapers.

Your dedication to this man is remarkable.

Sincerely,


R. S. Nicholas, Chief
Classification & Parole

RSN:vs

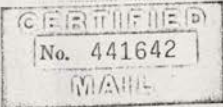
Encl.

WILLIAM R. MARTIN
COUNSELOR AT LAW
INTERNATIONAL TRADE MART
NEW ORLEANS, LOUISIANA



SPECIAL DELIVERY - AIR MAIL

REGISTERED MAIL
RETURN RECEIPT REQUESTED



Mr. Robert Nicholas
Chief of Classification & Parole
Medical Center for Federal Prisoners
Springfield, Missouri

Letter from Richard Case Nagell to Senator Richard Russell
January 3, 1967... (did not xerox well)

Hon. Richard B. Russell
United States Senate
Washington, D. C.

January 3, 1967

Dear Senator Russell:

Reference is made to the enclosed clipping which is, I believe, self-explanatory. In regard thereto I would urge rather than attempting to learn more about Mr. Oswald's stay in the U.S.S.R. and his "dealings with a pro-Castro committee", that any future inquiry be directed along more productive lines. Further, I suggest that any field investigation deemed necessary be conducted by an agency that has no private axe to grind.

Mr. Oswald and his activities came under my scrutiny during 1962 and 1963. My inquiries, coupled with data furnished me by reliable sources, ascertained the following:

Mr. Oswald had no significant connection with the Fair Play for Cuba Committee. He had no significant contact or relationship with so-called pro-Castro elements, though he was led to believe he had such. He maintained no significant association with any Marxist-oriented group or movement. He was not affiliated with a racist group or movement. He was not an agent or informant, in the generally accepted sense of the words, for any investigative, police, or intelligence agency, domestic or foreign. He was involved in a conspiracy to murder the former Chief Executive during the latter part of September 1963. This conspiracy was neither Communist

Nagell letter to Sen. Russell (continued)

~~XXXXXX~~

inspired nor was it instigated by any foreign government or organization or individual representative of any foreign government.

In the summer of 1963 I received instructions to initiate certain action against Mr. Oswald, who was the indispensable tool in the conspiracy, and thereafter depart the United States, legally. Although I did neither, I did, subsequent to obtaining a valid passport and prior to my arrest, dispatch a letter via registered mail, to the Director, Federal Bureau of Investigation, advising in sufficient detail of the aforesaid conspiracy and the identity of Mr. Oswald.

After the tragedy at Dallas, when I became convinced that the F.B.I. was more concerned with keeping me in custody (and with cleaning its dirty linen) that it was in resolving facts which would have shed light on the assassination, I clammed up completely. Later, however, when I felt I was going to be railroaded into either a prison or a mental institution, I made every reasonable effort under the existing circumstances to testify before the Warren Commission. I even sent letters to the Chief, Secret Service Division and Mr. J.L. Rankin, then General Counsel for the Commission.

For what little it is apparently worth now, my opinion is that the death of President Kennedy was indirectly, if not directly, resultant from a conspiracy and also due in great part to the stupidity or negligence of the F.B.I.; that Mr. Oswald definitely was the only assassin; and that his own demise was not attributable to any conspiracy of which I was cognizant.

Very truly,

/s/ RICHARD C. NAGELL
Register N. 83286-L

U.S. Penitentiary, Leavenworth
Kansas

RICHARD B. RUSSELL, GA., CHAIRMAN
JOHN STENNIS, MISS.
STUART SYMINGTON, MO.
HENRY M. JACKSON, WASH.
SAM J. ERVIN, JR., N.C.
HOWARD W. CANNON, NEV.
ROBERT C. BYRD, W. VA.
STEPHEN M. YOUNG, OHIO
DANIEL K. INOUE, HAWAII
THOMAS J. MCINTYRE, N.H.
DANIEL E. BROWDER, MD.
HARRY F. BYRD, JR., VA.
LEVRETT SALTONSTALL, MASS.
MARGARET CHASE SMITH, MAINE
STROM THURMOND, S.C.
JACK MILLER, IOWA
JOHN G. TOWER, TEX.

United States Senate
COMMITTEE ON ARMED SERVICES

WILLIAM H. DARDEN, CHIEF OF STAFF
CHARLES E. KIRKOW, CHIEF CLERK

January 20, 1967

Mr. Richard C. Nagell
Register No. 83286-L
P. O. Box 1000
Leavenworth, Kansas 66048

Dear Mr. Nagell:

Permit me to acknowledge and thank you for your letter and the information it contains.

With every good wish, I am

Sincerely,
Wm. Russell

Hon. Robert F. Kennedy
United States Senate
Washington, D.C.

January 8, 1967

Dear Senator Kennedy:

Enclosed herewith is a carbon copy of a letter I wrote last week to Senator Richard B. Russell. It is furnished for your information only.

First, I want you to know that I hold President Kennedy in the highest esteem. If I subscribed to a creator I would be prone to say President Kennedy was God's gift to this nation. Certainly, he demonstrated a sense of social consciousness never before displayed by any Chief Executive except, perhaps, President Lincoln.

Secondly, I want you to know that I was not involved in the conspiracy referred in the enclosed letter. Indeed, I resorted to every measure then available, short of taking a man's life, to counteract it. This included placing my own life and possibly the lives of my children in jeopardy.

Whether the tragedy at Dallas was indirectly or directly resultant from a conspiracy, only time and an unbiased, thorough inquiry will tell. But in either event the matter is now academic. The deed was done; and it could have been prevented. The Federal Bureau of Investigation was apprised of enough data to warrant the arrest and detention of Mr. Oswald, at least until an ~~an~~ investigation disclosed sufficient evidence to sanction an indictment. To my knowledge he was not even picked up for questioning.

Lastly, I want you to know there exists a far-reaching conspiracy

concerning my own inquiry into Mr. Oswald's activities; a misconception, which, if exploited and twisted around by interested parties, might create additional doubt in the matter concerned and unnecessarily strain relations between the United States and another country. So I wish to emphasize that any conspiracy of which I had cognizance was neither Communist inspired nor instigated by any foreign government or representative thereof.

Sincerely,

Richard C. Hoell

Letter from Richard Case Nagell to Senator Richard Russell
January 3, 1967... (did not xerox well)

Hon. Richard B. Russell
United States Senate
Washington, D. C.

January 3, 1967

Dear Senator Russell:

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Mr. Oswald and his activities came under my scrutiny during 1962 and 1963. My inquiries, coupled with data furnished me by reliable sources, ascertained the following:

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Nagell letter to Sen. Russell (continued)

~~THESE~~

inspired nor was it instigated by any foreign government or organization or individual representative of any foreign government.

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After the tragedy at Dallas, when I became convinced that the F.B.I. was more concerned with keeping me in custody (and with cleaning its dirty linen) than it was in resolving facts which would have shed light on the assassination, I clammed up completely. Later, however, when I felt I was going to be railroaded into either a prison or a mental institution, I made every reasonable effort under the existing circumstances to testify before the Warren Commission. I even sent letters to the Chief, Secret Service Division and Mr. J.L. Rankin, then General Counsel for the Commission.

For what little it is apparently worth now, my opinion is that the death of President Kennedy was indirectly, if not directly, resultant from a conspiracy and also due in great part to the stupidity or negligence of the F.B.I.; that Mr. Oswald definitely was the only assassin; and that his own demise was not attributable to any conspiracy of which I was cognizant.

Very truly,

/s/ RICHARD C. NAGELL
Register N. 83286-L

U.S. Penitentiary, Leavenworth
Kansas

M E M O R A N D U M

April 18, 1967

TO: Jim Garrison, District Attorney
FROM: William R. Martin, Assistant District Attorney
SUBJECT: Richard Case Nagell, Federal Prisoner No. PMB-A-16606-H
Medical Center for Federal Prisoners, Springfield, Mo.

On Monday morning April 10, 1967 at 7:30 A.M. I departed New Orleans for Springfield, Missouri on board Delta Flight 836. The purpose of this trip was to interview the subject identified above who had offered himself as an informant to this office. Upon arrival in Springfield at 11:17 A.M. I retained yellow cab number 9 and was driven directly to the Federal Center. There I was advised by the guard at the main entrance to the building that he would have to obtain the permission of the classification and parole officer assigned to the subject before I would be allowed visiting privileges. The guard requested that I fill out a "visitors form" and he then took my completed form and the subject's record jacket elsewhere in the building out of my sight and returned at about ten or fifteen minutes and stated that I would be allowed to visit the subject during regular visiting hours from 1 to 3:00 P.M. By this time it was 12:20 P.M. so I elected to have yellow cab number 9 wait for me.

At five minutes to one P.M. I was ushered, along with several other visitors, into a very large and informal waiting room where we were asked to await the arrival of the person whom we had come to visit.

NOTE: Contrary to what I had been told to expect, I was not personally searched nor was my briefcase searched prior to being allowed in to visit the subject. For future reference it should also be noted that the inmates or prisoners of this Federal Medical Center are not allowed to write in any manner or to sign their names to any documents or papers during a visit

without the prior consent of their classification officer. All material written or signed by the inmate is censored by the prison officials and there exists no privileged communication between lawyer and client at this institution unless special arrangements have been made for a private interview by the inmate himself. The visitor is free to write his own notes during the visit with the inmate and may hand the notes and other documents or papers to the inmate for the inmate to read and this is done without supervision or censorship but, in no case may the prisoner write or sign his name or deliver a document to the visitor without the aforementioned prior approval.

The following interview with the subject, Richard Case Nagell, took place over a two day period and a total of four hours of standard visiting hours. The interviews with the subject were made without taking notes since the presence of a note pad and a pencil seem to make the subject nervous and reluctant to speak freely.

The subject was brought into the visiting room promptly at 1:00 P.M. on April 10, 1967 and was brought to my area of the room by the guard supervising the general visiting area.

This visiting area is a large room arranged in an informal manner with many individual clusters of chairs each drawn up to a low table in the center of the cluster of chairs. The visitors face the inmate from their chairs which are drawn up on the opposite side of the small table from the inmate and, I observed that in no case were the visitors allowed to sit side by side with the inmate.

After shaking hands with the subject we both took seats on opposite sides of the table and the subject opened the conversation immediately by saying that he was sorry that he had caused me to make this long trip from New Orleans for no purpose at all. He stated that he had given the matter much thought and that he had decided that it would be useless and not in his own best interests for him to confide in this

material or evidence to us. He stated that he was worried about recent events and was at this point afraid to confide in anyone. He elaborated that he had become very suspicious of just about everyone and was extremely upset by the way "things were being handled". Further prompted, the subject stated that he had asked his sister to contact Mr. Garrison personally and had given her explicit instructions as to how he had wanted this contact to be established. He said that his sister had gone about things in exactly the wrong way and that she and her husband were trying to play "amateur detective" and that all they were going to succeed in doing would be to get him in even deeper than he was and to stir up more pressure and more trouble. He stated that recently his brother-in-law had visited him in Springfield and had attempted to "interrogate" him very closely about this case and other matters in his past but that he (the subject) had decided to trust absolutely no one and that he would simply let his case and everything pertaining to it remain in the status quo.

At this point it seemed patently unwise to question the subject or to push him in any manner and our conversation was permitted to drift into other unimportant and miscellaneous channels.

The subject was quite interested and willing to reveal to me certain things about himself and about the depth and complexity of his own case and of his past personal life. He stated to me that he had been "a very bad boy for a very long time" and that no one knew of this since he had never discussed his personal beliefs or his personal activities with anyone and had always concealed his activities with a good cover or front. He stated that he had been involved in certain activities which could get him in a tremendous amount of trouble if the activities became known and that he would probably wind up spending the rest of his life in prison if anyone ever discovered exactly, and could prove exactly, what he had been up to. He stated to me that he had been a Marxist-

Leninist for many years and was a member of the Communist Party.

United States or any of our Government functions, nor was he interested in helping this office with our investigation, for any reason, or out of any motive, whatsoever except insofar as he thought it might be a benefit to him personally and that if he ever did decide to help this office in any manner it would only be because he decided that it would help "this number one boy" (at this point the subject pointed to himself).

The subject became intensely curious about our investigation and, as our conversation progressed, he stated that he was pleased to see that I was willing to bring him up to date on our investigation insofar as the non-confidential aspects were concerned and he stated that he was certain that, at this stage of the game, we too had our hands full with amateur sleuths who were coming out of the woodwork. Our discussion continued along this general pattern until I mentioned to the subject that he really should not be ^{too} disturbed or upset by the conduct or amateurish approach of his sister and brother-in-law since, after all, it was the best that could be expected of anyone who was not accustomed to this sort of thing and, that they certainly could not be expected to behave as professionals.

At this point the subject stated that this was precisely the professionalism he was looking for when he had asked that he be contacted by Mr. Garrison. He stated that he had kept account of our progress as best he could through his limited access to newspapers and that he admired Mr. Garrison for his willingness to undertake this investigation and expose the truth regardless of where it may lead. The subject stated that he had seen Mr. Garrison on television, or had perhaps read ⁱⁿ a newspaper, Mr. Garrison's statement that "let justice be done though the heavens crumble" and that he (the subject) had been very much impressed with this statement and had hoped to be able to assist Mr. Garrison and, in so doing, ultimately assist himself and benefit his own position.

At this point I assured the subject that any information or material he released to Mr. Garrison's office would be handled with the strictest confidence and that it would receive the most competent and professional treatment that the office could make available. With no further encouragement the subject began to discuss the Kennedy assassination and his own relationship to it.

He stated that there had actually been three separate plots to assassinate President Kennedy. The first was a plan to kill President Kennedy by bombing (a concealed bomb in the speaker's platform or the speaker's podium) on the occasion of December or January of 1962 when the President traveled to Miami, Florida to address the group of Cuban prisoners who had taken part in the Bay of Pigs invasion and who had just been released and returned to the States. A second and similar plan to kill the President was to have taken place in June of 1963 when the President had traveled to Los Angeles for an important speaking engagement. The subject stated that the first and second plots (above mentioned) had never really become serious and that the plans never did reach more than just the talking stage. The third and final plot, which did in fact end with the assassination of President Kennedy, was an offshoot of the other two plans and was planned and put into effect by the same group of people.

The subject stated that these plots to kill President Kennedy had each involved several men, some of them Cubans, and that all three plots had been based along the same thinking and logic.

At this point the subject asked me if I was aware of the fact that the Cuban refugees in the United States had formed and organized a great number of movements, organizations, groups, and societies all of which were, in one way or another, dedicated to the overthrow of Fidel Castro. Most of these organizations of Cubans are either formal or semi-formal organizations with elected Presidents and officers and go under a variety of names, such as "Alpha 66", "Jure", "Cuban Revolutionary Democratic Front"

The subject made it expressly clear at that time that none of these organizations, acting as organizations, planned to assassinate, or in fact assassinated, President Kennedy. Rather, he stated, that the Cubans who took an active part in the assassination acted as individuals and that they did not all belong to one organization or even to two organizations, even though they had all come together and become known to each other because of these organizations.

At this point the subject became rather nervous and seemed to be reluctant to continue his description of what had taken place in connection with the Kennedy assassination. He asked a variety of questions concerning the theories on which Mr. Garrison had been working and whether or not we had received or had been offered any cooperation by the Central Intelligence Agency or the Federal Bureau of Investigation. I assured the subject that insofar as the Kennedy assassination was concerned, that this office was working entirely independently of any other organization and that we did not believe that the FBI or the CIA could be inclined to offer us any assistance. This statement seemed to relax the subject a bit because, as he said, the information he was about to give me, or could give me, was not such that it would enhance the public image of either the FBI or the CIA.

At this time the guard in the visitors room at the Medical Center for Federal Prisoners announced that visiting hours were over and the subject and I were forced to take very rapid leave of each other. Prior to departing the subject asked me if I could possibly stay in town and return during the next visiting hours and I assured him that I had no intention of leaving town until after he had told me everything he had to say. This concluded my first interview with the subject, Richard Case Nagell at 3:00 P.M. on April 10, 1967.

Upon leaving the visiting area of the Medical Center I asked to speak to the prison social director Mr. Matthews and to the classification and parole officer in charge of the subject's case. Neither of these gentlemen were available to speak to me and I was asked to return later in the afternoon to see them and I was also asked to leave a message as to the nature of the business I had with them. I left word that I wished to make arrangements for a privileged attorney-client interview with the subject since I had not been satisfied with our meeting in a public meeting room. For the rest of the day and during the morning of the next day both of these men successfully avoided and evaded my attempts to see them in their offices.

On Tuesday morning at 8:30 A.M. I returned to the Medical Center for Federal Prisoners and continued my interview with the subject, Richard Case Nagell. Without preliminaries Mr. Nagell continued our conversation exactly where it had been interrupted the day before by asking me what theory Mr. Garrison was working on as regards the assassination of President Kennedy. The subject apologized to me for having to ask me to explain our theory or theories and explained himself by saying that he was very much concerned lest we involve him by accident in more trouble with the FBI or the CIA. The subject said that he could not afford, at this point, more trouble with either of these organizations and that he had to make absolutely certain that our approach to the investigation of the assassination was not such that, with the information that he could give us, would lead him, in his own words, into more hot water.

At this time I presented to the subject the following possibility:

That early in the Castro regime in Cuba, various efforts were made by patriotic and anti-communist cubans, to overthrow and/or to assassinate Fidel Castro. That these efforts included small guerrilla raids launched from the Florida Keys, small attempts

Cubans, and efforts on the part of many refugee Cubans in the United States to form large organizations to collect money and weapons and to train forces for an invasion of Cuba to overthrow and/or assassinate Fidel Castro. That much of this anti-Castro work was encouraged, sponsored and financed by the Central Intelligence Agency and that for all practical purposes these miscellaneous efforts on the part of the Cubans and the CIA had been totally useless. Adding insult to injury, the Bay of Pigs invasion, an acknowledged CIA operation, was a total disaster when the Kennedy administration decided at the last minute that they could not afford, publicly, to lend our support to the Bay of Pigs Invasion in the form of Air Support and invading troupes which had been promised to the Cuban invaders. That during the long imprisonment of the Cuban troupes of the Bay of Pigs Invasion, the entire invasion operation-CIA involvement was publicly investigated and openly criticized, and that the Kennedy administration had stated as their final excuse, that world opinion and the opinion of the American public was insufficiently aroused to justify an armed invasion by the United States of the Island of Cuba. That this rationale so inflamed many of the Cuban refugees that a group of individual Cubans along with a few United States citizens decided to take matters into their own hands and to perform an act so violent and outlandish in itself, that it would instantly arouse United States and world opinion to such an extreme pitch that an armed invasion by the United States, with United States military forces, would be then justified on the Island of Cuba. This single act, designed to inflame world opinion, was the assassination of President Kennedy. That this assassination was planned originally in such a manner that the assassins and/or their fall guy would be able to take immediate refuge in Cuba and that this, in addition to other evidence which was intended to come to light, would make the assassination look as though it had been designed, planned and executed under the orders of the Fidel Castro regime in Cuba. This, the involvement of Fidel Castro in the assassination of President Kennedy,

Kennedy, would then justify an immediate invasion of Cuba by the United States military forces.

Throughout my explanation of the above possibility the subject had followed my words with extreme interest and had nodded his head vigorously on occasion. He now stated "that is absolutely right", as a general picture, but of course there are some fine points here and there that you have not covered". He went on to say that we were obviously aware of many of these fine points, or we would not know as much as we already obviously did. He also stated that the evidence which he wanted to give to Mr. Garrison was of such a nature as to "wrap up and put a seal on" the entire investigation.

In discussing the evidence that he wished to turn over to Mr. Garrison the subject went into some minor detail as to how he came to possess the evidence. The subject stated that for a long time he, as a Marxist-Leninist, had worked "for the other side" and had worked under the specific control of the Soviet Embassy in Mexico City. In this connection, the subject stated that he had done a variety of work assigned to him out of the Soviet Embassy in Mexico City and that he had been briefed by a member of that Embassy as to the Miami and Los Angeles plots to assassinate President Kennedy. As to the assassination in Dallas the subject stated that his only connection was to function as a watchdog for the Soviet Embassy and to inform them of exactly what was taking place and of what progress was being made on a day to day basis. The subject was able, in some manner which he did not disclose, to infiltrate the assassination plot and, for a reason of his own which he did not disclose, the subject was able to make a tape recording of four voices in conversation concerning the plot which ended in the assassination of President Kennedy. It is precisely this tape recording which the subject has decided to turn over to Mr. Garrison as soon as he possibly can.

Concerning the content of the tape recording in question, the subject stated that it was a tape recording made of a conversation of four individuals and that the tape was primarily in Spanish although on certain occasions in the tape certain of the participants lapsed into English. When questioned as to the identity of the persons speaking on the tape the subject stated openly that one of them was "Arcacha" and another individual whom the subject would only identify ^{AS} as "Q". The subject did not wish to go into more detail concerning the tape at that time since he, all during our previous conversations, had indicated that our conversation could possibly be bugged.

As to the method of our obtaining the tape recording, the subject advised as follows:

The tape in question, along with a variety of other tape recordings, papers and other items highly incriminating to the subject, are in a box or small trunk which the subject left in the safekeeping and care of an intimate ^{and} / trusted friend. An arrangement was made between the subject and this friend that under no circumstances was this box or trunk or any of its contents to be released to any person whatsoever, other than the subject, unless the friend were to be approached by a person bearing a handwritten letter in the handwriting of the subject, which letter would have to be signed by the subject in a certain secret manner. If anyone were to approach the friend and attempt to obtain the box or any of its contents without first having obtained this letter signed in a secret manner, then, in that case, the friend had instructions to destroy anything and everything ^{that} had been left in his safekeeping by the subject.

Mr. Nagell then indicated to me that he was willing to whisper to me the name, address and telephone number of the friend with whom he had left this evidence but prior to doing so the subject asked me to pledge my word that the name, address and telephone number of the individual would not be written down in this report. He indicated that he was aware of the possibility that

this report, or copies of this report, could conceivably leave this office and fall into the hands of the FBI or the CIA. The subject indicated that if this should happen, he was sure that the FBI would charge in on his friend, kick in his front door, and harass him into turning over all of the aforementioned material. He stated that "this material is my whole future" and indicated that he had to be particularly careful of how it was handled. This being the case, the name, address and telephone number of the subject's friend does not appear in this report but has been turned over to Mr. Garrison for use at his discretion.

The subject and I then entered into a lengthy discussion as to how the letter in question directed to his friend could be placed into my hands; bearing in mind the fact that the subject was not able to deliver to me anything in writing and that all of his outgoing written material was very closely censored. It was resolved that there were two possibilities:

1. That the subject would immediately request of the prison officials at the Medical Center that he be granted privileged attorney-client interviews with me and that if this request were granted he would then be able to smuggle this letter to me.

2. The subject stated that he was scheduled to be sent back to Leavenworth Federal Penitentiary within a few days and since privileged communications at Leavenworth were much easier to come by than in the Medical Center, he would be able to hand me the letter in question if I were to visit him at Leavenworth.

The subject asked that I return to Springfield within a few days to attempt to see him under privileged circumstances since in his own words, "time is of the essence". If this effort is unsuccessful then a second effort will be made when the subject is transferred to Leavenworth.

IMPRESSIONS AND OPINIONS: The subject, Richard Case Nagell, is an extremely articulate and well spoken individual who seems to have full command of his senses and total recall of his

activities and constantly mentions dates, times and places that pertain to matters concerning this investigation. He is of the opinion that he will be forced to complete his full ten year prison sentence, of which six years remain, unless he offers to cooperate with the FBI. It is his impression that this cooperation would mean the release to the FBI of all of the material incident to his association with the Soviet Embassy in Moscow and he is not willing to do this. Mr. Nagell stated to me that in six years from now (i.e. when he is released from prison), he will then be forced to make a final decision of either leaving this country (United States) forever or remaining in this country in good standing forever. It is his opinion that everything will depend on how the aforementioned box or trunk containing his possessions is handled. I received the impression that Mr. Nagell does not really care, one way or the other, whether he leaves this country or not in six years since he feels that it is possible for him to live in peace either in the United States or in the Soviet Union depending on the circumstances at that time. Although Mr. Nagell stated to me that he felt no particular loyalty to the United States and had worked with the Soviet Union as a matter of principle and personal convictions, he also stated to me that the release of his tape recording to Mr. Garrison was his first step in seeing what he could do to "square himself" with this country.

At this point the guard in the visiting area announced the end of visiting hours and the subject and I parted with my promise to return to Springfield within a few days to attempt to see him under privileged visiting conditions.

At approximately 11:00 A.M. on Tuesday April 11, 1967 I returned to my room in the Candlelight Motel in Springfield and made arrangements to travel to Kansas City for the purpose of meeting with Mr. Lawrence Loftus, an attorney practicing in the

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State of Kansas with offices in the Hedrick Land Title Corp^{RII} in Olathe, Kansas.

Pioneer Air Taxi Service from Springfield to Kansas City, Kansas departed Springfield Airport at 3:30 P.M. that date and arrived Kansas City, Kansas at 4:30 P.M. I boarded this flight and was met at the Kansas City Airport by Mr. Loftus.

Throughout the following day, Wednesday, April 12, 1967, I remained with Mr. Loftus in his/^{law}offices reviewing the procedural aspects of the handling of prisoners in both Leavenworth Federal Penitentiary and the Medical Center for Federal Prisoners in Springfield. Mr. Loftus, who has had a good deal of experience with inmates at Leavenworth, is of the opinion that there will be no difficulty in obtaining privileged communications with the subject once he is transferred to Leavenworth. He also stated that privileged communications should be able to be obtained in Springfield Medical Center but only at the request of the prisoner. This was basically the same information which had been obtained in Springfield and was confirmed by my research of this date. At 8:15 P.M. I departed Kansas City on 12th of April 1967 to return to New Orleans on Braniff Flight 241.

Every effort will be exerted to obtain the letter in question from the subject and, subsequently, to obtain the tape recording referred to by Mr. Nagell.

J.G.

To: Bondy,
then to
Archives
(Appropriate file)

Record Form No. 5
(July, 1956)

UNITED STATES DEPARTMENT OF JUSTICE
BUREAU OF PRISONS

SENTENCE NOTICE TO INMATES

UNITED STATES PENITENTIARY
McNEIL ISLAND, WASHINGTON

(Place)

June 9th, 1967

To BUICK, Robert Clayton No. A-32243-M

According to commitment papers in your case you were
sentenced December 9th, 1955, to a term
of 20 years months days.

Fine \$ Committed Not Committed

Costs \$ Committed Not Committed

You were received at this institution 5-18-67

Your sentence begins 12-9-66

You are eligible for parole Set by US Board of Parole

Your "good conduct" term expires 9-15-79

Your full term expires 4-8-86

Good time allowed 2400 days.

Allowed 244 days Jail Time.

J. WAYNE Record Clerk
FPI-LK-3-3-63-4M-1855

BOX NO. 1000
STEILACOOM, WASHINGTON 98388
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
F.B.P.

TO RICARD VON KHEIST
P.O. Box 322
UPLAND, CALIFORNIA 91786

Richard von Kleist

(Copied verbatim as dictated)

Hotel Luna, Mexico City, July 1963

Parties included in plot were Alex Hydell, otherwise known as Lee Harvey Oswald; a female attorney who is well known Communist in Los Angeles (blond, about 35 years age at that time); hotel headwaiter, Fritzy, first name unknown, who owned a launch believed to be shuttling between Mexico and Cuba. Also believed to be involved - Warren Brogie, hotel chain manager; and Richard Case Nagell, former Captain, U.S. Army, associated with Counter Intelligence in Japan in 1959. Barbara Warren was involved with Alex Hydell and Brogie at the time scheme was planned.

Nagell sent letter to J. Edgar Hoover warning him of plot against Kennedy and naming Alex Hydell as one of the assassins. Hydell was not known to Nagell as Lee Harvey Oswald.

The copy of the letter Richard Case Nagell wrote to J. Edgar Hoover on August 13, 1963, informing him of Oswald's plan to kill Kennedy is being held by Nagell's sister, Eleanor Gambert, 82-25 Grand Ave., Long Island, N. Y. * The letter contains information about Oswald, who was named and referred to as Alex Hydell, and advises Hoover that Kennedy would definitely be killed.

The history of Richard Case Nagell is important. While a member of Counter Intelligence in Tokyo, he was dealing with a Soviet attache officer stationed with Russian Embassy in Tokyo at that time. He was approached several times and was

Spelling?

*later King/1/2
marty*

*all fine
verified*

*address still
same as of
4-17-63*

*Richard R. Gambert
82-25 Grand Ave.
Brooklyn, Long Island, N.Y.*

said to have dealt with said Russian officer as to vital information (classified).

A year or so later Nagell, while working for California Alcohol Beverage Control, was shot through the right chest when involved with a Los Angeles police officer because of Communistic implications. He survived gunshot wound and took off to Mexico or Cuba in launch owned by Frity of the Hotel Luna. All of this is and was known by J. Edgar Hoover and FBI.

Nagell was later arrested in El Paso for bank robbery after discharging a firearm in an El Paso bank. He was in Leavenworth Federal Prison for 2½ years and was later brought to El Paso for an appeal. Appeal was denied. From there he was sent to Springfield, Missouri (Federal Prison) and is believed to still be there-(Now listed as mental patient?)

Further information coming on Barbara Warren and a Dr. Fujiyama.

ESTADIO IGNACIO ZARAGOZA
CHETUMAL, Q. R.

Dom. 15 de Septiembre de 1963 - A las 4 p. m.

Grandiosa Corrida de Toros

Con asistencia del Sr. Gobernador

A la hora anunciada, previo permiso de la H. Autoridad que presida y si el tiempo no lo impide se lidiarán a muerte a la usanza española.

Hermosos y Bravos Toros de la Ganadería de

5 DON ROMEO PADRON 5

Que lucirán los colores de su divisa

Actuación especial de los famosos matadores de toros

Luis Briones

El de Seda y Oro

Maestro a Maestro con

El Sensacional

BENJAMIN

López Esqueda

Toreando un Novillo el Torero Norteamericano

Roberto Buick

Los Matadores saldrán acompañados de sus respectivas cuadrillas de Picadores y Banderilleros de la U. M. de P. B.

Cambiatorio de Suertes, Juez y Médico de Plaza: los que designe la H. Autoridad

PRECIOS DE ENTRADA:

| | |
|-----------------------------------|----------|
| Sombra Barrera 1a. Fila | \$ 50.00 |
| " " 2a Fila | 40.00 |
| " " 3a. Fila | 30.00 |

Sombra Gral. \$ 25.00 Sol Gral. \$ 15.00

Niños Media Paga

NOTAS: Por ser ganadería de cartel no habrá toros de reserva. Una vez iniciado el primer toro si se suspende la corrida por causas de fuerza mayor no se devolverá el importe de las entradas y demás notas que rigen en esta plaza.

IGNACIO ZARAGOZA STADIUM
CHETUMAL, Q. R.

Sunday September 15, 1963 - At 4 p. m.

A GREAT BULLFIGHT

The Governor will honor us with his

Special performance of the famous bullfighters

LUIS BRIONES

Graceful and Smooth

and

The Sensational

BENJAMIN

LOPEZ ESQUEDA

also the American bullfighter

ROBERTO BUICK

Fighting beautiful brave bulls from

5 Don Romeo Padrón 5

ADMISSION PRICES:

| | |
|--------------------|------------------|
| Reserved Seats | |
| 1st Row | \$ 50.00 (pesos) |
| 2nd Row | 40.00 " |
| 3rd. Row | 30.00 " |

Shady Side \$ 25.00 (pesos) Sunny Side \$ 15.00 (pesos)

Children half price

Mr. John M. Price.
Mr. Robert C. Buick. (2)

CUARTO 306 CUOTA \$ 110.00.
18 de Marzo de 1962.

HOTEL
LUMA

MEXICO, D. F.

Recv: Cliente.
Pago: Cliente.
Proc: Hialto California.
Tarj: 14043-42-
EVE.

No 9325

FECHA DE LLEGADA

| CA- JE- RO | DIA DATE | ALOJAMIENTO ROOM | RESTAURANT | BAR | TELEFONO Y TELEGRAMAS | LAVANDERIA Y VALET | DIVERSOS VARIOUS | TOTAL DEL DIA TOTAL FOR THE DAY | AJUSTE ADJUSTMENT | PAGOS PAYMENT | SALDO BALANCE |
|------------------|-------------|---------------------|-----------------------|-------|-----------------------------|--------------------------|---------------------|------------------------------------|----------------------|------------------|------------------|
| | 18 | 110.00 | | | | | | 110.00 | | | 110.00 |
| | 18 | | (DEPOSITO APLICADO.) | | | | | | 110.00 | 249.80 | 139.80 |
| | 19 | 110.00 | | | | | | 110.00 | | - | 29.80 |
| | 20 | 110.00 | | 15.00 | | | | 125.00 | 29.80 | - | 95.20 |
| | 21 | | 12.00 | | | | | 130.00 | 95.20 | | 225.20 |
| | 21 | 110.00 | 8.00 | | | | | 110.00 | 225.20 | | 335.20 |
| | 22 | 110.00 | | | | | | 110.00 | 335.20 | | 445.20 |
| | 23 | 110.00 | | | | | | 110.00 | | | |
| | 24 | | | | | | | | | 445.20 | |

PAGADO

WON KLEIST

LETTER FROM ROBERT CLAYTON BUICK

May 9, 1967

Dear Ric:

Received your letter dated May 4. My first impulse of course, was to answer it before any sudden move in environment takes place. Gladys and I are now on a day to day communicative thing with the United States Government as to the aforementioned subject. The move could come tomorrow, in a week or in a month. As to the change, we are at the whims and commands of Big Brother, with very little to say about the subject. We can only request; diplomatically yet. Of course, I am completely prepared for any possibility, whim and caprice of the mighty one.

As to my desires for the entering into the commercial field of excelling myself in print, this will undoubtedly have to be postponed for a short period of time. For Big Brother frowns upon the free and flowing thoughts of the incarcerated political prisoner. He possesses arms to combat physical rebellion. He possesses force to prevent the rising of unity among the free thinkers. But he does not possess neither of the two to contest and combat the vivid truth, and because of this lack, he would never allow one such as I to commence in spreading the gospel (my kind of gospel) to the sheep who unknowingly graze upon the synthetic pasture of wisdom. He is knowingly aware that I would indeed lead them into the righteous pasture of wisdom. Once there he would be constantly exposed to consistent explanation of which would not be to his particular liking.

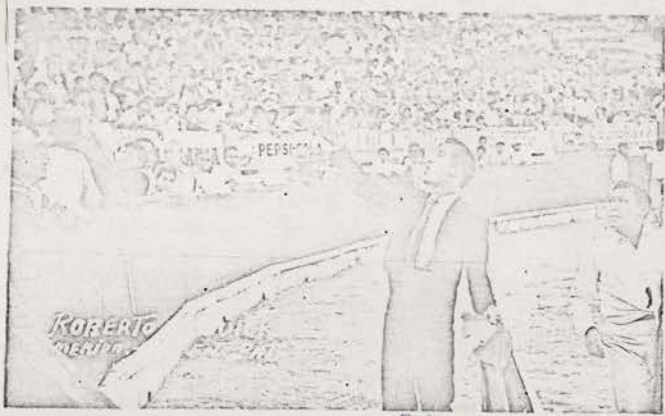
Then again, perhaps, this is really not the proper or secure thing to do. Sheep have a tendency to panic when the wolfpack is openly revealed to them. I often wonder if they are ready for such an exposure. History is deceiving, and the deception of history has always led them to what has seemed to them, the brightest and greenest pasture. It would be like telling a child on Christmas Eve that Santa Claus is a rat-fink and that no toys shall appear come the dawn. I really do not think they are really ready or will be ready to face reality for some time to come. Shall we allow the pasteled color of fantasy to continue and eventually descend into complete and frightening robotic existence, or begin to build the barrier against it.

At times I think of myself as being selfish, but also I begin to question as to what side of me is selfish. Is it selfish to remain the rebel and the fugitive, or is it selfish not to allow them to captivate all in fear that if they control all existence, they shall also swallow and devour my individualism. This has always been a difficult and interesting analysis of the present status. It is somewhat like the gigantic icebergs in the north and south poles. If one is to melt and destroy them too rapidly, then in the desolvement, the excessive cubic feet of water shall undoubtedly rise and rush over the land. If the iceberg is permitted to remain, then too, it shall eventually begin to cover the land. What is the lesser of the two evils Ric? Hellava hypothesis isn't it?

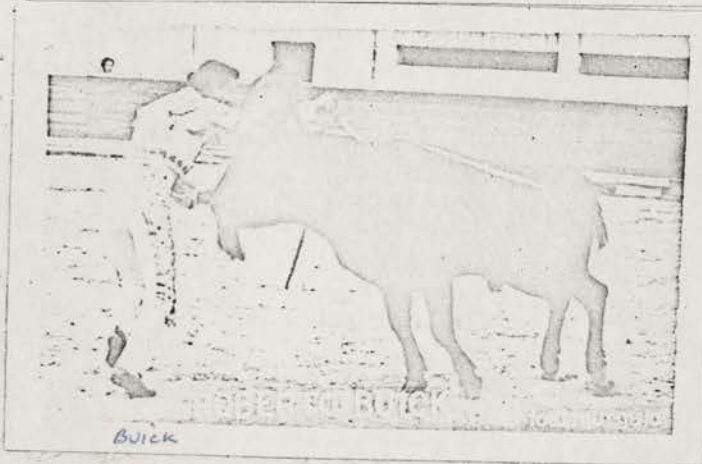
I shall of course keep in touch, however, and wherever possible, for I feel that we not only have the great possibility of doing great things, but eventually will accomplish great things.

Later,

R.



BUICK



BUICK



JAMES COBURN

BUICK

"11/19/63"

" El Paso, Texas

"I, Richard Case Nagell, do hereby make the following free and voluntary statement to Edward Joseph Murphy and George E. Aiken, who have identified themselves to me as Special Agents of the Federal Bureau of Investigation. They have advised me that the information furnished herein may be used in court. No threats, promises or force of any kind was used to get me to make this statement.

"I was born in Greenwich, N.Y. on August 5, 1930.

"I was arrested on September 20, 1963, in El Paso, Texas. On September 21, 1963, I was arraigned before the United States Commissioner in El Paso, Texas, on a charge of bank robbery, at which time I entered a plea of not guilty and was bound over for indictment by the Federal Grand Jury. Bail was set at \$25,000. On September 21, 1963 I was incarcerated in the El Paso County jail, where I since have been and am presently confined.

"On September 24, 1963, the United States District Court ordered that I be given a psychiatric examination to determine my mental competency to stand trial, and that if determined necessary by the examining psychiatrist, to conduct such examination, to be committed to the Federal Correctional Institution, La Tuna, Texas, for a period not exceeding two weeks.

"On November 4, 1963, the court nullified that part of the aforesaid order, pertaining to the commitment, and re-ordered that I be committed to Beaumont Army Hospital, El Paso, Texas, for said psychiatric examination.

"On September 24, 1963 and again on November 4, 1963, the U.S. District Court ordered that further prosecutive action against me, be deferred until such time as the Court is in

receipt of the results of said psychiatric examination.

"As of this date I have not received the aforementioned psychiatric examination nor have I been committed to either of the aforementioned institutions for such examination, nor have I been indicted by the Federal Grand Jury.

"I believe that an unnecessary and undue delay has occurred in bringing me to trial, as a result of my reluctance to participate in a psychiatric consultation and/or examination. I believe that this is a violation of my right to a speedy trial as guaranteed to me by Amendment 6 of the Constitution.

"In relation to the foregoing statement, I believe that I, as an accused person, am not required by law to emit any statement or to answer any questions, whatsoever, to any person, whomsoever, including a psychiatrist, psychologist, or physiologist, nor that I am required by law to participate in any examination, test or activity, verbal, written or otherwise, if I do not so elect. To be coerced to do so, is a violation of my rights under Amendment 5 of the Constitution.

"An attempt has been made to indirectly coerce me to incriminate myself, by a court appointed psychiatrist known to me as Doctor Bennett, in that he queried me as to my motive for committing the alleged offense and stated to me that if I did not give him such information, I was being uncooperative, and that I might have to be sent to Springfield Medical Center, if I did not cooperate with him.

"I further believe that I am being coerced into taking a psychiatric examination and/or consultation by the resulting undue delay in bringing me to trial.

"I have read this statement consisting of this and 3 other pages, and it is true and correct.

"/s/ Richard Case Nagell

"Witness:

"/s/ Edward Joseph Murphy, Special Agent FBI, El Paso, Texas,
11/19/63

"/s/ George E. Aiken, Jr Special Agent, F.B.I, El Paso, Texas
11/19/63"

April 16, 1964

Director
Federal Bureau of Investigation
U. S. Department of Justice
Washington 25, D. C.

Dear Mr. Hoover:

This letter is being sent to you, at my insistence, through the facilities of my counsel, Mr. Gus Rallis, in order to insure that it is brought to your personal attention.

I wish it to be understood that Mr. Rallis was appointed by the U. S. District Court, El Paso, Texas, to represent me at my forthcoming trial on a charge of violating Section 2113 (a), Title 18, U.S.C., and is not cognizant of any details pertaining to the matter discussed herein, although such matter is most relevant to my defense against the aforesaid charge.

My purpose in writing this letter is to advise you that since it is apparent the Federal Bureau of Investigation is determined to have me convicted of this deceptive charge by withholding pertinent information from the U. S. Attorney, you, as director of the F.B.I., will not be able to relinquish at least partial responsibility for the death of President Kennedy.

My responsibility concerning the then prospective action of Lee H. Oswald (Albert Hidel) terminated with the dispatch of the registered letter from Joseph Kramer to the F.B.I. in September 1963.

Since the information disclosed in that letter was judged to be mendacious by the F.B.I., as is quite evident, then with whom the responsibility lies for what subsequently happened in Dallas is rather obvious.

Certainly, F.B.I. files in Washington, D.C. (or Miami, Florida, Mexico City, etc.) reflect who "Joseph Kramer" is. And, such information received from a known Communist who allegedly had been effective enough to penetrate several U.S. military intelligence

agencies, should not have been ignored. In this respect, the efficacy of the F.B.I. is the responsibility of its director, regardless of the actions or judgement of his subordinates.

In any event, I shall not acquiesce to sit idle and maintain silence while the F.B.I. railroads me into prison on a phony charge, simply because it cannot have me convicted of other matters.

Very truly,

Richard C. Nagell
El Paso County Jail
El Paso, Texas